

tell which organization did you filled the lawsuit from" and I told officer Chapagain "NLRB"(See Exhibit G) which I believed Sgt Rodriguez asked Officer Chapagain to asked this question because they will premeditated undue hardship plan that night

24. Please Provide all the CCTV camera Footage and Phone Conversation which include on my SDNY Complaint and EEOC Original complaints and All my exhibits
25. Please Provide all the name of officers , Field Supervisors and Tour Commander who work on April 9, 2022 with their assigning post Location, Phone communication, CCTV camera footage officer's Locations ON April 9, 2022 approximately between 0433 am-- 04:58 am--6:00 am which Include the Tour 1, Tour Commander(Sgt Rodriguez)position
26. Please provide the name , Address and Phone Number and Occupation of the witness who may appeared in court and what she or he testified for
27. (See Exhibit B-4, See Exhibit B-5) Please provide the CCTV camera on April 6, 2022 Or April 4, 2022 at Rollcall Briefing office or Field Supervisor departments approximately on 1140 pm - 1159 pm when Sgt Rodriguez give the vacation form for me to filled out with Haigler's name on it.
28. Please Provide the CCTV camera Footage of Officer Chapagain came to my post On April 9, 2022 approximately at 12:00 am and 0145 am when he said that he was instructed by Sgt Rodriguez to hold my post in order to go upstairs and when I coming back from upstairs Officer Chapagain asked me question that "I heard that you will sue the hospital" can you tell me which organization you will sue the hospital for and I reply "NLRB"
29. Please Provide The CCTV camera footage of Sgt Rodriguez came to Post 4 main Lobby approximately on April 3, 2022 or April 4, 2022 or April 6, 2022 --April 7, 2022 or at At 12:00 Am- 2:00 am while Detective King on her leave not sure whether her vacation leave or my internal religious complaint investigation's leave when Sgt Rodriguez told me "that's why I give you post 2B so you can pray" which indicated the department have acknowledge of Post 4 main lobby will not accommodated me to pray
30. Please Provide the CCTV footage and phone call conversation of Sgt Blount called me at post 2A approximately on at 02:25 am -05:00 am , approx. December 16, 2021 or December 23, 2021, December 19, 2021 Or December 29, 2021 or January 6, 2022Or October 19, 2021 on and instructed me to enter Psych ER by myself which according to Hospital Police academy never enter the Psych unit alone without other officers must be present but my job is to followed instruction of above officers(
31. Please Provide the CCTV camera footage (Post 4 Main Lobby) of Sgt Rodriguez who came to my post approximately 12:45 am to 01:45 am on March 31, 2022 or April 1, 2022 or April 2, 2022 or April 3, 2022 of Sgt Rodriguez made statement when he came to my post(Post 4 Main Lobby) after my religious internal complaint against Detective King was pending when He said "that's why I give you post 2B so you can pray" which indicated that my removal assignment in the end January, 2022 from Post 2B to Post 4 Main Lobby was intentionally act or premeditated plan to discharge by the Department and Detective King in order for me not to be accommodated to pray because indeed Detective King remove me from Post 2B to Post 4 that day . Detective King removed me from post 2B to post 4 Main lobby and the next

following week I was told by Sgt Rodriguez that the department has eliminated post 2B from midnight shift but I found out the department has post 2B assigned to another officers.

32. Please Provide the CCTV camera footage at Captain Melendez office on April 9, 2022 at 0458 am—0600am
33. Please Provide the CCTV camera footage at Field Supervisors rooms or Rollcall briefing room which contain the field supervisors computers on April 9, 2022 approximately at 05:10 am to 0600 am when the constructive discharge occurred
34. Please Provide all the phone communication and CCTV camera footage from central command station on April 9, 2022 approximately at 04:30 am to 05: 10 am
35. See Exhibit L-3 Please Provide CCTV camera footage of central command of all central commands officers, Field Supervisors, all officers, Sgt Rodriguez locations on April 9, 2022 at 04 58 am to 06:00 am.
36. See Exhibit L-3 Please Provide CCTV camera footage of all central commands officers, Field Supervisors, Sgt Rodriguez location of all officers, Sgt Rodriguez locations on April 9, 2022 at 04 30 am to 04:58 am.
37. See Exhibit L-3 Please Provide the phone conversation between Me, Erica Febrianti(Post 4 Main lobby) and Central Command(Officer Jones) on April 9, 2022 at 04 58am to 0500 am when I told her nobody relief me to pray I am ready to walked out the post and she said Officer Chapagain on his way to post 4 main Lobby.
38. Please Provide CCTV camera footage of Officer who came to my post on April 9, 2022 after I was abandoned the post to pray approximately between 04:58 am-0515 am and what time did he reach my post at post 4 main lobby after I was abandoned my post to pray at 0458 am
39. Please Provide all phone incoming and outgoing conversation from central command on April 9, 2022 approximately at 04:00 am to 05:30 am and all CCTV video footage
40. Please Provide the CCTV camera footage of Detective King location on April 7, 2022 approximately between 0445 am -05:15 am
41. See Exhibit A-1 Please Provide CCTV camera footage at post 2B, ER department and all central commands officers, Field Supervisors, Sgt Rodriguez location of all officers, Sgt Rodriguez locations on January 11, 2022 between 0400 am to 0458 am when I was received negative working performance according to my write-ups I lost my jacket during patrol at post 2 B but indeed because I lost my NYHP Jacket during undue hardship incident at post 2B which the department given me false negative performance because of my age
42. See Exhibit B Please Provide the phone conversation and CCTV camera footage On March 27, 2022 at Between Me(Post 4 Main Lobby) and Detective King (Central Command) and Sgt Rosado(Field Supervisor) Communication approximately between 05:00 am to 0540 am when I requested to be relief me to pray and Detective king said no you're not. When she refuse the accommodation when I asked if she called anyone to relief me and she said she don't like the way I am talking to her and she transfer the call to Sgt Rosado when I requested to relieve to pray and Sgt Rosado said "why you didn't called the desk" meaning no undue hardship at the time and I told Sgt Rosado Detective King transfer me to him. My prayer late for 40 minutes
43. See Exhibit G Please provide CCTV camera footage (Post 4 Main Lobby) on March 28, 2022 approximately between 0458 am to 06:00 am when I asked Captain Melendez when he

passing post 4 main lobby if he received my email and when Captain Melendez passing post 4 main lobby and Captain Melendez said he did received my email and Captain Melendez refuse my prayer accommodation when he said the department not willing to accommodated early prayer time all the time and Captain Melendez also said I have to choose God or a job too and he said I can hold the prayer until sunrise which is forbidden for my religion to pray on sunrise.

44. Please Provide the CCTV camera footage of Sgt Rodriguez came to my post(Post 4 Main Lobby) approximately between March 30,—April 4, 2022 approximately between 12:00 am – 0300 am and Sgt Rodriguez said "that's why I give you post 2 B so you can pray" meaning the HP department aware that post 4 main lobby will not accommodated to pray . At the time Detective King was on her leave not sure whether on her vacation leave or due to internal religion investigation complaint. Sgt Rodriguez trying to Emphasizes that the Detective King initiated to remove my post because Sgt Rodriguez said "King is not here today" not sure if he said "king not supervisor".
45. See exhibit L-3 Please provide CCTV camera footage and phone communication recording of all central command , field supervisor locations all officers, Sgt and Captain on April 9, 2022 at 04 58 am to 06:00 am.
46. See exhibit G Please provide CCTV camera footage on March 28, 2022 approximately between 0558 am when Captain Melendez passing my post when I asked him if he received my email and Captain Melendez said "yes" and Captain Melendez refuse the accommodation by saying the department not willing to accommodate early prayer time all the time. Captain Melendez also mentioned that I have to choose God or a job but Captain Melendez did not removed me from my post at the time. I did not removed from my post but on April 9, 2022 I was asked to choose God or a job by Sgt Rodriguez and central command Officer Martinez stated on Radio that the relieve officer will assign permanently at post 4 main lobby and Sgt Rodriguez told me that I have to clock out at 5 am that day and comeback tomorrow if I choose job first or in another word I have to choose if I leave Islam as my religion I can come to work because in Islam Allah must come first.
47. See exhibit A-1 Please provide the incident camera footage CCTV on January 11, 2022 approximately between 0400-0500 am when , the respondent said that I lost my jacket during my patrol but the facts I lose my NYHP jacket during undue hardship when I have the sudden incident from post 2B to help Nurse and Doctor to observe the aggressive patient who wanted to elope and refuse the medication. After the incident Sgt Desantes prevented me to go back to my post asking me to go to post 2 A for unknown reason and made me taking longer to go back to my post and by the time I went back to my post My Jacket was missing I was refuse to see the CCTV footage camera by Sgt Rodriguez and Sgt Blount but Officer Robinson allowed to see the CCTV Camera footage which I believed the person who steal my jacket still around and Sgt Desantes not willing or initiative to find my jacket when he told me to go back to locker rooms to check if my NYHP jacket was there but certainly sure I have my jacket with me because Sgt Desantes said he wanted to make the -57 report of lost and stolen police property and wanted to make sure my jacket was missing. This incident also related to the reason I was not allowed to go to bathroom after rollcall briefing because usually if I

know if I will work on post 2B. I will put it back my jacket to my locker but that day I brought the jacket with me because I did not allowed to go back to locker room by Captain Laboy and Sgt Blount because no bathroom after rollo call briefing and during my lunch hour Detective King was sleeping and she close the door entrance to my locker because my locker with Detective King side by side and I refrain to wake her up and I brought back the heavy jacket to post 2B when I was sitting down after doing my patrol and place my NYHP jacket in my chair and the sudden incident occurred help the nurse and Doctor to hold the patient down and I leave my NYHP in my chair and I lost my NYHP jacket because of sudden incident of undue hardship at post 2B.

48. Please Provide the last day of Officer Smith last day at work in order to figure it out the day I was get written up by Captain Melendez for relief bathroom urges and pray. I try to figure it out the day Officer Smith assigned to central command approximately in September 2021- November 2021 at 05 am to 06 am when I called the central command and refuse my bathroom accommodation because Officer Smith said as per Sgt Blount instructed him not to relieved me for bathroom urges and from here a week later I get written up from walking out the post by Captain Melendez at the time I was assigned at post 2B and the phone conversation from post 2B with central command or field supervisor desk when the radio command 10-2 code to called central command and when I called central command I was told to report to Captain Melendez office and On this same day I was asked Captain Melendez as per Sgt Rodriguez advice to request to move to morning shift and Captain Melendez reply he has enough female officer in morning shift but In December 2010 he was assigned younger 22th yrs old female officer, Officer Sultana to assigned to morning shift. IF you able to figure it out the time and date Please Provide the phone conversation and CCTV camera footage when I was present at Captain Melendez office to received the write ups for walking out the post in order to relieve bathroom urges and after finish the write-ups I leave the office and I saw Sgt Rodriguez and Detective King stand in front of Captain Melendez.
49. Please find Provide the CCTV of Video Footage and Phone conversation Officer Smith (Central Command) and Post 4 Main Lobby(Febrianti) approximately in September - November 25, 2021 (See Exhibit U) when Officer Smith assigned to central command and he told me over the phone from central command that he was not able to give me bathroom relief because Sgt Blunt instructed him to not relief me for bathroom relief and the central command (officer Smith) have followed instruction of SGT Blount not to relief me for bathroom was on recorded line between the phone at central command (officer Smith) and post 4 main lobby(EricaFebrianti)
50. Please provide the cctv video footage approximately on September -November 2021 This incident happened on approximately on September 2021- November 2021 the same day as per No. 38 incident Please Provide CCTV of Camera Footage when there was no undue hardship On my post 4 main lobby when I requested for the bathroom and the prisoner was sleeping at the bench at Roll call Office and Sgt Blunt told me to hold my bathroom since 03:00 am until 06: 00 am and I cannot hold any longer and I walked the post at the time I work at post 4 main lobby
51. Please provide the phone conversation between October 2021- February 2022 post 4 main lobby and central command approximately at 03:15 am -0400 am and when Detective king assigned to central command when she set up the regulation said to me over the phone that no bathroom after the lunch and after beginning of the shift please.

see exhibit U the summary of police memo book the day when I was assigned to post 4 main lobby on these date.

52. Please provide the phone conversation between Post 4 main lobby and central command(Detective Robinson)approximately between 3 to 4 am approximately between September 10, 2021-February 28, 2022 when Detective Robinson used to do overtime for midnight shift during the weekend(Saturday and Sunday) and when he assigned to central command he said to me when I requested for the bathroom "why you doing this to me, you didn't asked this to others central command officer" I told him that please this is the last time I will never doing this again I told him because I was eating something during lunch hour that's why I need to used the bathroom and he said don't eat anything so you don't need to use the bathroom. Not sure if the reason I eat because I need to be fasting the next day but I did apologize and for asked for bathroom. Many time I didn't eat and drink because I can't go to the bathroom even though several doctors told me to not hold my pee and changing pads more often during period because I got severe urinary tract infections because I was holding my pee and defecating for too long.
53. Please provide the phone conversation and CCTV Footage of Sgt Blount came to my post 4 main lobby and central command On September 2021- November 15, 2021 approximately at 4am to 6 am when officer Smith at the time working for central command when Sgt Blount instructed officers Smith that to not relief me for the bathroom and when I called officer Smith he said Sgt blount instructed him to not release me for the bathroom
54. Please Provide the CCTV camera Footage approximately between September – November 2021 when Sgt Blount came to my post too approximately at 3 to 4 am and she said "you have to hold the bathroom today we have prisoners" and on the same day I walked the post approximately at 04 56 am- 06:00 am because I cannot hold bathroom for any longer and I walked the post to relief my bathroom urges and pray and after praying I was called to report to central command and Sgt Blount and Sgt Rodriguez were there and Sgt Blount said what did I told you about the bathroom I told her I can't hold it anymore and I have to pray too and Sgt Blount said we need the doctors note if you will be going to the bathroom every morning and Sgt Rodriguez told me he don't have enough officers to relieve me for bathroom and prayer and he said I should request Captain Melendez to move me in the morning shift.
55. See exhibit N-2 Please provide all CCTV camera footage and phone conversation recordings between me(post 4 main lobby) and central command officer(officer Wood) and Sgt Rosado(Field Supervisor) on April 7, 2022 approximately between 0400-0500
56. Please provide the CCTV camera footage on March 4, 2022 approximately around 0800am to 09: 30Am at OHS (Employee Health) when me and Mahmuda list 586 met and see show me her exhibit S of Her Hospital care Investigator onboarding and she said she was there for medical screening examination for HCI list 586 and I was there too because Captain laboy told me to go to OHS' 6th floor.. Mahmuda586 said she received letter in mail , email and someone called about this position for hospital care investigator. But I did not received nothing.(See Exhibit B-1, Exhibit C-2, Exhibit C-3, Exhibit

57. Please provide the CCTV camera footage at OHS office on March 7, 2022 approximately at when Dr. Wilby gave the paper that MMR vaccine can be hold until 2022(**See Exhibit A-3**)
58. Please provide the CCTV camera footage. Approximately at 06:00 am to 08:00 am when I had been assigned (post 4 main lobby) checking the employee ID every morning
59. Please Provide the CCTV camera footage of October 18, 2021 as per position statement stated that which I believed the same incident when Detective interfering with my job performance I remember this incident when Detective King interfering with my job performance when she yelled at me in the crowd and made me seems like I am less as a person and I just asked her "why you so negative" and not long after she called the Director of HP police , Director Stella's and she said to him " officer Febrianti said that I am so negative" and Director Stella's said you can said whatever you want to her. I am not sure this is the same incident but I have so many interaction with Detectives King when one time I believed she committed sexual harassment against homeless man when she called the homeless man " you got tiny dick" she mentioned this word "tiny dick" several time when he refuses to leave hospital after he had been discharged from hospital. I remembered one time Detective King said to me the bathroom at post 4 main lobby close at midnight but open for bus driver only and not homeless and one time I refuse the bathroom to a man I thought he is homeless and I told him the bathroom is close and Sgt Blount and King chit chat outside by the entrance main lobby and Sgt Blount came to me "why you refuse the bus driver to use the bathroom, are you racist? Do you refuse the bathroom because he is black but I told her Sgt Blount that Detective King said only bus driver allowed to use the bathroom he looks homeless to me that's why I refuse the bathroom because the bus driver he got no uniform on. His clothes and his shoes so dirty. I thought he is homeless. My job is to follow instructions and Sgt Blount, Sgt Rosado, Sgt Rodriguez did not really have instructions tell me what to do when performing my job but only Detective King came to me and tell me to certain things and it doesn't make no sense to me sometime when I did told my colleague officer Gutierrez who work in the morning shift who graduated the same date from academy with me when I told him about Detective King situation and he said "don't listen to her she is not supervisor, just listen what field supervisor and tour commander what to do not her. One time she told me I have to get name the person who went to 4th floor labor delivery and this is not part of my job description to asked the name of the patient but Detective King insisted me to do and one time one man with lady wanted to go to the 4th floor labor delivery and I hold the lady and the man to provide the ID which at the time the patient almost in pain and she barely in tremendous pain and she can't walk anymore and I called RRT and they blame me for call RRT because I believed the department said not supposed to hold the patient down maybe if I didn't asked for ID the patient already made to the 4th floor labor delivery. One time Detective King told me any RRT should get the name right the way who the

doctor, patient and everything on the same time and sometimes it's not easy to get the name right away during the emergency the doctors concentrations with the patients.

That's why I believed my first evaluation was created by Detective king because all my Interactions was with her and never have any Interaction with Sgt Rosado or other field supervisor prior November 19, 2021. All my Interactions was with Detectives king that's why I believed my negative working performance was from Detective king because I revealed my age to her. There's 2 small female officers in the department, Officer Carerrias and Officer Sultana in the department but they're young and Detective king was nice to them. Detective king said to me many time " It's going to be in your file". That the reason why if we distinguish between the first evaluation(See Exhibit Q) and second evaluations(position statement) I strongly believed the first evaluation was created by Detective king because the first evaluation was drafted from period of November 19 all the way down to July 26 2021 and all of the accusation was false and I can proved the negative working performance was false because I got negative working performance during my days off and patrolling post which was not assigned to the day I was told I was failed. I never have encountered with any supervisor except Detective king but King and Captain Melendez was so close because they use to be colleagues and that's why her statement about me was legit and impact to my file working performance because I believed Captain Melendez and director stelas was discriminated me because of my age. Captain Melendez requested my covid card even though it's not his job to collect the Covid card and after this incident I was struggling to be accommodated for bathroom and prayer accommodation until one day when Detective king was assigned to central command and I am done when she refuse bathroom accommodation and prayer accommodation and Detective king the first person who refuse my prayer accommodations until I was struggling to accommodated until I was constructive discharge on April 9, 2022.

Detective king also aware about my hospital care investigator positions which I am on the list on HCI and all getting upside down when I told her about age and the next day she acting differently towards me.

There was one thing which made me belief Detective King treated me differently because my age. There is one employee who came down during her break I believed she said she work at 12 th floor and not sure her position whether nurse or doctor she told me there's another lady who used to work on post 4 main lobby and she said the department can't wait for her to retired because she was old and she was sick all the time and she called out from work alot and she said department can't wait for her to retire. I believed the lady talking about officer day(See Exhibit who recently retired I approximately in 2021 but officer day became officer in young age which sometimes she work at central command too. I strongly believed Detective king think that it's waste of time to train me as new female officers because of my age because I will be the next officer day which the department can't wait for her to retired. (see exhibit eoc docs, page 5-5

and Officer day at the list No. 12)she was retired and according to the Lady the department can't wait for her to retired I believed it's Detective King's statement because Detective King now everyone who work overnight and she chit chat a lot to the ladies on the building and I know for sure Detective King put negative working performance because of my age.

I believed I strongly believed all my poor performance from Detective king because I am never encountered with SGT ROSADO AND CAPTAIN LABOY AND SGT RODRIGUEZ most of my write-ups from her and that's why the respondent position statement submitted the second evaluation with modification of Sgt Rosado statement meaning the first evaluation was created by Detective King because it was stated created by profile(See Exhibit Q, Page 12-36) the system did not recognized the supervisors log-in.

Also all the negative performance was premeditated and pretext because I got write-ups on my days off and my police memo books if valid proof that all my write-ups in accurate when I was get written-ups on patrolling post which at the time I was told I was failed I did not assigned to patrolling post.

Also Sgt. Rosado also did not said that Exhibit Q it's his statement he and Captain Laboy said people Upstairs which represent Human Resources and Captain Melendez who cannot accept new older female officer.

60. **(See Exhibit R) in March 2021** Please provide psychological interviews examination recordings for Special officer positions when I was asked by the interviewer that "do you have any court proceeding" and I said yes I sue my previous employer in federal court in 2015 and Also during this interview I was disclosed all constructive discharge which include when I was fired after I gave the doctors note regarding my bunion foot which it prevented to wear heel which is part of the company policy from my previous employer and also I was disclosed about another constructive discharge when I was given the permission to see my dying father but when I was flew on the plane I received the email from the director of the company that he was not able to keep the bookkeeping position due to tax season even though I already submit all the companies corporation taxes to IRS prior my FMLA leave but I told the investigator I confused about Starwood worldwide of my defective in 2016 because I don't know if I was consider terminated or not because the starwood worldwide said to Department Labor that I quit the job and that's why I did not received the unemployment benefit but I did received termination letter but the letter went missing when I am about to submit the termination letter to department of Labor, my locker personal belonging already inside my rooms which the starwood worldwide have access to my personal rooms and also there's camera right outside my room too because my landlord's friend Patricia who work at Human resources at Starwood Worldwide. Even my investigation letter was not signed by me but sign by my landlord or tenant of the house because I got 6 female roommate at the time which I did not aware of but anyway the respondent aware

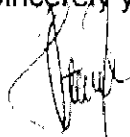
I will never wanted to conducted the investigation with them due their false accusation to me and Starwood worldwide due discriminatory investigation on my internal complaint the reason I was filled the second discrimination complaint because of internal complaint investigation on my hostility working environment was conducted not in a good faith. Also, I believed the starwood worldwide took it back the termination letter in order for me not to received unemployment benefit from the department of labor because my locker personal belonging already inside my rooms and starwood worldwide have access to my rooms and has camera right outside my room doors,

61. Please explain see exhibit D-5 when Captain Melendez denial the allegation that he gave me the write-ups for walking out the post for bathroom and prayer approximately in October 2021 and he described my post abandonment was from my supervisor because indeed Captain Melendez who the one who writes me up for walking out from the post. If He insisted said another supervisors who gave the write-ups for post abandonment. Please Provide Name of Supervisor , time and date and please provide the CCTV and camera or any phone recording conversation Involved
62. (See Exhibit D-5) Please provide the name of supervisor which Captain Melendez described about when he said I received pre- abandonment from supervisors. Please provide the name of supervisor, time and date if Captain Melendez not able to provide the information described why? Please provide all cctv camera footage and all phone conversations from this incident.
63. **See Exhibit V, See Exhibit Y** Please provide all cctv camera footage and all phone conversations from incoming and outgoing to all my exhibits and include with Steven STRAUSS phone conversation with me On April 13, 2022 at 1100 am and when he cut me off he said " and, and andand when I said I walked the post without undue hardship of the employer he didn't let me finish and he said "sssst..." from there I realized he got conflict interest with defendant. The same day I filled complaints with eeoc online in order to meet the deadline.
64. Please provide CCTV camera footage when I used to work at post 4 Main Lobby approximately on October 2021 to February 2022 at 06:45-08:00 am when Human Resources employee, Abdulla who refused me to show his ID when I was confronted him not showing His ID and He asked "Do you know who I am", I don't remember my answer but I don't want to argue with him and I just pointed to the sign on the main Lobby that "Employee must show ID" Mr. Abdulla watching me like I did something wrong and he watching while I was trying doing my job and he took the chair and starring at me for 10 minutes and he said "you should watch those people not me" when he was pointed to another patients who enter to Hospital but my Job not to investigated without probable cause and Hospital must welcome to everyone and this is the valid proof that I did check ID and the respondent position statement from page 6, Paragraph 4 regarding October 18, 2021 incident was pretext and prima facie incident from Detective King because I am new female older officer and the department believed I will be the next Officer day which according to the lady (Officer Day age was cost adverse to the department and department can wait for her to retired and Also all my interaction was with Detective King and that's why I strongly believed

because Detective King told me she got access to my personal files and she said "it's going to be on your file". Mr. Abdula is Detective King's friend.

65. Please Provide the CCTV Camera during Hospital police academy when ON June 30, 2021 on the day I was force to tightened my belt against my free will when Captain Padilla Instructed every one to go back to classroom except recruit Febrianti and Captain Padila said if you have belt like that I will take you upstairs. Upstairs meaning preparing of discharge papers and only was asked to tightened my belt which include when Detective Santa Lay took me to the bathroom and tightened the belt without my free will
66. See MY EEOC ORiGinal(See Exhibit Complaint. Please provide the CCTV camera footage of Doctor No. 3 include with the doctors' name, which hospital she work for and the who came to Flushing NY Prebysterian On June 30, 2021 Approximately at 04:00 -7:00 am when the doctor no. 3 which I believed she is the employee of NYC health+Hospitals when she said she don't work at HP Prebyterian and she came from outside hospital and she just wanted to know who gave me the vaccine and she asked if this is the baby happy and I said yes I wanted this baby.
67. This incident related to No. 57 Please provide the phone conversation and CCTV Camera footage, the name of the doctor who examine me on on June 30, 2021 approximately at 05:00 -0839 Am when doctor no. 4 who examined me before she pulled my hymen without my freewill and baby flesh was on the floor she received the phone called behind the curtain and it seems the incident was premeditated because prior this incident I told doctor no. 3 that I will kept this baby and I will pray this baby will breathe again in the future because doctor no. 1 and no. 2 did not said I was miscarriages and doctor no. 1 and no.2 did not break or touch my hymen like that and the baby still there according to my sonogram examiner at 3 am and I was on hold for too long for not being discharged I believed they wait until doctor no. 3 to come and she said she was not the employee of NY Presbyterian she came from another hospital outside hospital and she was investigated and asked me who gave the vaccine (see my eeoc original complaint) she said she will send another doctor (no. 4) to examine me and she promise she will do nothing she just wanted to check down there but I realized the doctor no. 4 she pulled my hymen and my baby flesh on the floor and the doctor leave examination rooms with my both leg still open at stirrups and she left and run and I saw my baby flesh on the floor and the doctor run without explanation. For this reason I need to know and retrieve her phone information approximately around 05 45 am to 0739 am which I believed this incident was premeditated because she doesn't not have consent to pulled my hymen and I was shock and unexpected moment and and prior examination she received a phone called and txt messages it seems it premeditated plan to pulled my baby without my consent. I believed that doctor is NYC Health+Hospitals doctor I think I saw doctor no. 3 at metropolitan nychealth+hospitals but I am not sure she was the same person.

Thank you so much,
Sincerely yours,

A handwritten signature in black ink, appearing to read 'Erica Febrianti', written over the closing 'Sincerely yours,'.

Erica Febrianti

JOINT LETTER OF REBUTTAL STATEMENT OF THE RESPONDENT POSITION STATEMENT**ACTIVITY IN CASE 1;23 CV-06175 JLR FEBRIANTI V. NYC Health&Hospitals****Summary of findings**

Detective King knew my age during the middle of August, 2021 during locker room conversation with me. I saw her changing behavior towards me but I did not see any significant change the situation in HP Department because at the time she just regular officer who work at post 8 or patrolling post and as a senior trainer . I saw the significant change in my department when Officer Philip Central Command leave the desk on September,2021 I believed because he refuse to take the covid vaccine and Detective King taking his position as Central Command Officer(See Exhibit C-12, Exhibit C-11, See Exhibit C-13). Since then I started having negative working environment from Captain Laboy, Sgt Blount , Sgt Rodriguez. One time when I requested to be relieved for prayers she told me I supposed to requested Sgt Rodriguez or field supervisors on duty the night before when the time during roll call. I told Sgt Rodriguez during roll call that I need to be relieve tomorrow morning in order to pray and Sgt Rodriguez said "We all pray to almighty God, We pray where we stand", "We can't stop the operation". Since that time I started having difficulties to be relieve for prayer and bathroom. One time I was told by Sgt Blount at my post that I need to hold my bathroom urges. I was called central command Officer Smith requested to be relief for bathroom urges and pray and Officer Smith stated that Sgt Blount told him to not relief me for my bathroom. I was walked out my post that day because nobody relieved me to do bathroom urges and need it to pray. I was instructed by central command to 10-2 report(to come upstairs to Hospital Police Quarter) Central command station. Sgt Blount asked me "why did I told about going to bathroom" .I told Sgt Blount and Sgt Rodriguez that I need to use the bathroom urges and my stomach pain was so painful, and I can not capable to hold anymore. Sgt Blount stated she need it the doctors note if I will be using the bathroom every morning. I told Sgt Rodriguez and Sgt Blount that I need to pray too and Sgt Rodriguez said I suppose to request Captain Melendez to work in the morning shift because they do not have enough people at midnight to relieved me for prayer and bathroom. I believed 3 days or a week after this incident I was receiving a command to go to Captain Melendez office and when I went there Captain Melendez told me it was about I was walked my post the other day and I have to sign the paper of write-ups. I told him I have bathroom urges and stomach pain and I told him I need to pray too. He said I need to provide Doctors note if I will be using the bathroom every morning. I told him I need to pray too and he told me I have to tell Sgt Rodriguez about prayer. I told him that Sgt Rodriguez told me to move to morning shift so I can get relieve to pray because morning shift have more officers who able to relieve me for bathroom and pray. Captain Melendez stated that he can not move me to the morning shift because he has enough female officer to work in the morning shift but I found out he place 22 yrs old new young female officer (Officer Sultana) in December, 2021 to work in the morning shift(See Exhibit C-10) I believed I was refuse to work in the morning because of my age. After this incident I was place to work at post 2B which It was accommodated me for the bathroom and prayer but sometime I work at post 4 main lobby while Detective was off but in the end of January I was encountered difficulties to pray when I was told they eliminate post 2B from midnight shift but I found out they still post 2B but they assigned the post 2B to another officers, Since then I was started to working on post 4 main lobby permanently. I started having difficulties to be relief for bathroom and prayer. I sent the first email to Captain Melendez regarding I was getting relief late in order to pray On February 25,2022(See Exhibit A and Exhibit D) until all the incidents happened and cost me constructive discharge on 04/09/2022.

Discrepancies of Respondent response

On respondent response is incorrect on page 2, 2nd paragraph: line 6-8 stated:"

Charging Party was assigned to the midnight tour (12AM – 8 AM) and her supervisors were Supervising Special Officer Charlie Rodriguez ("Rodriguez"), Supervising Special Officer Anibal Rosado ("Rosado") and Special Supervising Officer Luis Desantis ("Desantis").

On July 26- August 7, 2021 I was on training officer at morning shift Tour 2 (0730 am to 1600) at Metropolitan hospital and I am off in the weekend(See Exhibit C-14 and C-15)

I was place on midnight shift tour 1 (11:30 pm-08 am)on August 09, 2021. During training at midnight shift I was trained by Detective King. I was told by supervisors that Detective King will trained me for midnight shift procedure(See Exhibit C-14 and C-15).

At beginning everything looks normal and onetime during locker room talk Detective king she told me that she have 4 grand kids and she's 44 years old. I was response to her that "me too" I told her that I am on that age range too but" I don't have kids". Since then she was acting differently and also the whole department such as Captain Laboy used to be nice with me and he started to be acting mean to me. I believe because of I revealed my age to Detective king because they don't want to older lady in Hospital Police Department. Detective king she was hired as Law enforcement at teenager. She was hired on the year 2005 in NYC Health + Hospitals and Officer Martinez was hired on the year 2001(See Exhibit B-4). This 2 officer is senior officers in Midnight shift but they very strict for relieved me for the bathroom break and prayer.

On respondent response is incorrect on page 2, 2nd paragraph, line: no.9-12 stated:

Complainant was tasked with responding to calls, particularly emergency calls and alarms within Metropolitan hospital and implementing security and safety measures to ensure the safety of Respondent's staff, patients and visitors to the facility

We were told during roll call that our tasked was limited to what our supervisors told us to do. We were told we can't arrest anyone if anything happened make sure get the supervisor involved and we're not allowed to arrest someone without supervisor authorization.

As special officers tasks on the respondent response stated that said I supposed "*responding the calls, particularly emergency calls and alarms within Metropolitan hospital*" but in real life I was told that my tasked must based what central command me to do or supervisors told officer on the radio or verbally to do.

For example, the central operations called on the radio based on the post assignment, "*ER unit please response to psych Emergency unit..*" when I used to work at post 2B I am a part of additional ER unit and I have to response this called. There are 2 part of ER unit(Post 2A, Post 2) and Post 2B is additional post for ER unit. Supervisor sometime stay in ER unit post 2 but not all the time. Central Command desk send the command to the radio for 10-08(response to particular area) "*Post 8,9,10 please response to 10-08 at 7 south*". We responded the call by the code(See Exhibit C-18). When responding the call

during academy we were told we have to work together not alone and always request for back up, and My work performance based on what my supervisor asked me to do and I don't have authority to arrest anyone without supervisor involved.

I was told by supervisors during roll call briefing mentioned that we're not supposed to arresting anyone except supervisor must approve it or being called to the location.

On respondent response is incorrect on page 2, 2nd paragraph line: no. 12-15 stated:

Complainant was tasked with patrolling the facility, arresting those who violate the law, as necessary, upholding and reinforcing the System rules and regulations, reporting security issues, suspicious and/or unlawful activity, evicting loiterers and disorderly persons.

The respondent never assigned me to work on rotating job assignment or the opportunity to work on patrolling post or rotating job assignment such as post 8, 9, 10. I always assigned undesirable post 4 main lobby when post 2B was taken away from my assignment in the end of January, 2022.

The respondent response is incorrect on page 2, paragraph 2, line 16-17 stated:

Charging Party was assigned to Post 2 - Emergency Room Area and Post 4 - Main Building's Entrance/Lobby Area because she was a new officer

I never assigned to post 2 this statement is incorrect(See Exhibit T and Exhibit U my police memo book) my most assigned post at Emergency room is post 2B not post 2 . This post 2B additional post and freedom post no need relieved for prayer and bathroom. I was told by Sgt Rodriguez during roll call that they eliminate post 2B from midnight shift in the end of January, 2022 but I found out they assign this post to another officer.

Post 2B is additional post for Emergency room. I work on Post 2A or post 4 main lobby sometimes but permanently I work at post 4 main lobby when they eliminate post 2B from my work assignment in the end of January, 2022.

The respondent statement is false statement when they mentioned they assigned me at post 2 because I am new because I have another officers who has lower seniority have the opportunity to grow and they are younger than me.

Officer Sultana, officer Martinez, Officer Gomez are new employees at NYC Health+Hospitals and they started working at NYC Health+Hospitals Metropolitan in December, 2021. They are younger than me and they lower seniority than me but they already assigned for patrolling post, rotating job assignment and work in different post(See Exhibit C-10). They treat me differently because of my age I was given unfavorable post 4 Main Lobby which is very hard for me for bathroom and prayer accommodation.

This post 4 main Lobby required relieved and when I was told when I need to use the bathroom I have to called supervisor which it was difficult working conditions for me I have to hold my bathroom for long hours. I was told I must provide the doctors note for bathroom accommodation when I was receiving the write-ups from Captain Melendez for walking out the post in order to go to the bathrooms and prayer in October 2021. Other officers have access the bathroom without any difficulties.

I don't have the same opportunities like other officers because of my age.

(See Exhibit C-15) There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy on July 23, 2021 and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021. **(See Exhibit C-15)**

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03:30 pm.to 12 am) in October, 2021 **(See Exhibit C-12 and Exhibit C-13)** and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age.

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. **(See Exhibit C-15)**

Officer Guiterez was younger than me and have the same date Hire as me and he already granted the position as Flex schedule officer at Post 2 Emergency room unit which only required 3 days a week working schedule for 12 hours shift **(See Exhibit C-17 and Exhibit C-11)**. Officer Guiterez transferred to NYPD in or December, 2021.

Officer Smith was younger than me he assigned working at Patrolling post in the beginning at September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from October, 2021. But he leave the Department because he got a new job.

Why they assume I have poor my working performance but never assigned me in patrolling post or rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there **(see Exhibit T and Exhibit U)**. In addition they eliminate post 2B in the end of January by giving me unfavorable post (post 4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom.

Respondent response is incorrect on page 2 paragraph 2. Line :17-20, Stated:

those post assignments generally had officers nearby to provide Charging Party (as well as any other assigned officer) with assistance if needed. Relief, in the form of another officer, is required before an officer may leave their post

This statement not true. I always have problems for bathroom relieve many time I was told by central command officer and Officer Martinez said they don't have anyone to relieve me. It's very difficult to request the bathroom.

Many time I was denied the bathroom during my menstruation period time because I have discomfort stomach cramp need to go to the bathroom. I was told by Captain Laboy during roll call that I am not allowed to go the locker room after the roll call finish. This locker is the place I can use the bathroom, I was told by Captain Laboy I must go straight to the post even though the time 10 or 15 mins early before 12 am because my shifts started at 12 am. if I work post 2B it's not going to be problem because I can use the bathroom at anytime because this post no need relieved but if I work on post 4 main lobby this post need relieved and my next lunch hour at 0200 am and I have to hold my bathroom until then. One time housekeeping said he will cover the post in order for me to go to the bathroom but I was told I can't asked housekeeping to hold the post because they're not police officers. I was told by Detective King that no bathroom after lunch but sometimes on my period I need it so. Detective Robinson and Officer Martinez were upset when I requested for bathroom. Officer Martinez said "we don't have anyone to relieve you right now". He said I must called supervisor but no one answered my called. I was refuse to use the bathroom many time sometimes I can hold but it's very painful especially when I have heavy periods my pads was soaked need to be change.

In addition I always relieve from my post 4 main lobby at 0800 am in sharp not early by another officer in the morning when I am finished my shift but I was required to started early at my post(post 4 main lobby)by Captain Laboy, Sgt Blount, they said I must be at my post 10 mins early to my post before my shift started or it's consider late. My shift started at 12AM but I have to be at post 4 main lobby early.

On respondent response is incorrect on page 2, paragraph 3: line: 1-4 Stated:

Charging Party identified as a Muslim and though she never submitted a written request for areligious accommodation regarding time to pray while on duty, the department had a standing verbal agreement with Charging Party ensuring that Charging Party was relieved from her post to pray

This response is incorrect because Captain Melendez and all supervisors never told me to submit a written request for a religious accommodation because I already told them many time during roll call briefing or verbally to central command and Captain Melendez. I told Captain Melendez through email and verbally(**see Exhibit A**). I already told verbally to Captain Melendez that I need accommodation to pray since October, 2021 and he said I need to speak to Sgt Rodriguez and tell them I need to pray. After this incident I was given post 2B(Additional post Emergency room Unit) and sometime I work at post 4 main lobby or Post 2A (Emergency Room Unit) but in the end of January Sgt Rodriguez said they eliminate post 2B from midnight shift but I found out they assigned this post to another officer.

Since they took my post 2B for me and I was place to work at post 4 main lobby every day when many time I didn't relieve on time in order to pray by Detective king.

I did request verbally to my supervisors at midnight shift(Sgt Rodriguez)central command(Detective King), and through email to Captain Melendez(**See Exhibit A**) . I sent email to Captain Melendez regarding my concern I did not get relief on time by Detective king(**See Exhibit B**). I told Captain Melendez verbally and through email that I need to pray on time to fulfill my religious belief obligations and I provide him the verse from the Qur'an that I must to pray on time(**See Exhibit A**) but Captain Melendez never asked me to fill up "a written request for a religious accommodation regarding to pray

while on duty" instead he told me verbally on Post 4 main lobby in the morning of March 28,2022 between 0500- 0600 am that the Hospital Police department was not able to accommodate my earlier prayer time all the time, but after I send another email requested the verbal response on Post 4 main lobby verbal statement regarding that The department not able to accommodate my earlier prayer time statement needed in writing Captain Melendez replied my email that he will investigate the allegations against Detective King . See Exhibit C

The respondent statement is incorrect: Page 2,Paragraf 3, Line : 4-5 Stated:

There were multiple officers in Charging Party's department who also identified as Muslim and were also accommodated by ensuring they were relieved to pray as their faith required.

Respondent statement is incorrect because They're another Muslim officer but my religious beliefs and obligations not based by other officers do it's personal connection with Allah.

Prayer is the Main pillar of Islam. I have to pray on time. It's my religious beliefs also those officers mostly they don't need relieved because their post not required relieved it's not like my post on post 4 main lobby I can't move or use the bathroom. I do not have easy accommodation in order to pray even though I already told Captain Melendez, Sgt Blount and Sgt Rodriguez many time about I need my bathroom and prayer time accommodation.

I. Charging Party's Internal Complaint

The respondent response is incorrect on page 2, Paragraph 4, Line: 5-7 stated:

On March 28, 2022 Charging Party again emailed Melendez stating Detective Tacora King ("King") was not able to accommodate her earlier prayer time.

This email not sent on March 28,2022 this email sent on Sunday March27, 2022 at 08:03 pm(See Exhibit B) But on March 28,2022 in or around 05:00-0600 am I saw Captain Melendez passing by at Post 4 Main Lobby. I was asked Captain Melendez if he received my email which I sent to him On Sunday, March 27,2022 at 08:03 pm. He said yes. He said to me verbally that the Hospital Police Department not able to accommodate the early prayer time all the time. See all sequence email on Exhibit D

On respondent response is incorrect on page 2, paragraph 4, line 7-8, continue to page 3, Line: 1 Stated:

On March 29, 2022 Melendez responded to Charging Party's email after a verbal discussion in which Charging Party acknowledged that being relieved late for FAJR prayer was not constant occurrence.

This statement is incorrect. This is constant occurrence On March 29,2022 while Detective king was place on leave I was relieved on time to pray until when the Detective king coming back everything was change. I believed she was back from her leave on April 04,2022 but she was not assigned at central command officer. I was received negative impact for not getting relieved on time in 5 days in row since then. On April 4, 2022 Central Operation Officer (P.O Agosto) said he doesn't have anybody to relieved me to pray. I was off on April 5 and April 6,2022. On April 7,2022, P.O Wood refused to give me accommodation when I requested to be relief in order to pray. P.O Wood told me on the phone that Sgt Rodriguez told him to relieve me late to pray and he transfer the call to Sgt Rosado. Sgt Rosado also told

me that I will get relief from my post at 05:13 am in order to pray . I told him that time will be late for me to pray. I notified him I will walk out the post if nobody relieves me on time. Finally Detective King came to relieve me after I told them I will walk out the post. I had called out sick on (Thursday night to Friday Morning) April 8, 2022 because of pressure I had from my supervisors in my department and on the same time I sent email to the CEO Hospital Administration (Michelle Figueroa, John Muniz, Captain Melendez) on April 7 at 12:57 pm(See Exhibit F) that I need accommodation to leave my post if nobody relieve me to pray. In this position, I had ongoing difficulties being provided relief and I notified my supervisors that if I was not provided relief in a timely and respectful manner, I may be forced to leave my post in order to do pray. I called out sick because I am not feeling comfortable the way they treat my prayer time as less priority . I didn't come on April 08, 2022 (Thursday night to Friday morning).

I did not attend the meeting set up by Captain Melendez because I was calling out sick on on April 08,2022 because the pressure not getting accommodation to pray on time on April 07,2022 and my department insisted me to walking out the post in order to pray in order to be relieved. The department not busy but My prayer time just not a high enough priority to them.

The respondent response is incorrect on Page 3, Paragraph 2, Line 1-4 stated:

Melendez responded to Charging Party's email on April 7, 2022 and explained that she was relieved at 5:00 AM by King which was enough time for her FAJR prayer and explained that the Hospital Police department has a Ramadan prayer schedule posted to assist with accommodating all Muslim Officers with their prayer times.

This statement is incorrect. On April 7,2022 I was called central command at 0445 am in order to relieve me to pray I was told by central command officer Wood that he was instructed by Sgt Rodriguez that I will be relieved pray at 05 13 am. I told him that time will be late for me to pray. Officer Wood transfer the call to supervisor Rosado and he said the department will relieve me to pray at 05 13 am. I told him that I will walk out the post if nobody relieves me and after that Detective King came when I almost walked out from my post. The central officer Wood didn't say Detective king on her way. I believe the department treat my prayer as joke because central command didn't say she was coming. The central command (Officer Wood) and Supervisor on duty(Sgt Rosado) stated that they were not willing to accommodate my prayer time until 0513 am which it will be too late for me to pray. For this reason I was asking the Hospital operation and Administration permission to walked out my post if nobody relieve to pray(See Exhibit F, Paragraph 9) because what they said is not the same about what they do. They said they were not willing to accommodating my prayer until 0513 am until I told them I will walking out the post and the Detective come to relief me.

The respondent response is on Page 3, Paragraph 2, Line 4-5 stated:

Melendez also explained that a meeting had been arranged with labor personnel to further discuss Charging Party's complaints

I sent the second email to reply Captain Melendez email regarding he wanted to arranged the meeting with Fahima Akhter and I reply the email sent On Thursday, April 7,2022 at 11:46 pm (see Exhibit E Paragraph 8 & 12):

Thank you so much for taking my complaint in a serious manner. I really appreciate Captain Melendez having arranged to solve the problem by setting up a meeting with Ms Fahima Akter tomorrow April 8, 2022 at 0900 but I prefer our conversation in writing instead of verbal meeting because from my experience I learned that something we said is not the same as something in writing.

If Ms. Fahima Akhter still would like to set up a meeting with me we should do the meeting during my working hours before 0800 because 0900 is outside my working hours but if I will get paid for the meeting I don't mind. Especially during Ramadan time but I prefer to go home early. Thank you so much for your time. I hope we are able to solve this problem and will not repeat it again in the future

I did not attend the meeting set up by Captain Melendez because I was calling out sick on on April 08,2022 because I am not feeling well because the pressure not getting accommodation to pray on time on April 07,2022 and it seems my department insisted me to walking out the post in order to pray in order to be relieved. I know for sure the department not busy and my post 4 main lobby always safe and clear without undue hardship of the employer.

The respondent response is on Page 3, Paragraph 2, Line 1-2 stated:

Charging Party responded to Melendez's email on April 7, 2022 and alleging she was being retaliated against for having complained about not being accommodated for prayer and bathroom time

The situation was getting better while Detective King was on leave the conduct discontinued, but when she returned the behavior continued and escalated. When Detective King coming back from her leave the situation getting worse and All people in my department was against me. Prior I made a claim of Discrimination against Detective King. I only have problem with Detective King. Before Central Command (Officer Wood) never requested permission to Sgt Rodriguez in order to relieved me to pray but after Detective King comeback from her leave they said I will not getting relieved Until 05:13 am on April 07,2022 which it will be late for me to pray. Since Detective King comeback from her leave it seem very difficult to get accommodation in order to pray because they always said they will be accommodating my prayer time but in the real life they are giving hard time in order for me to pray. The department was not busy at all there were no incidents occur but they just not willing to accommodated my prayer time and bathroom.

Respondent response regarding my email about Sgt Blount: Page 3, Paragraph 3, Line : 5-9, stated:

At the time I was instructed by Sgt Blount to delay my bathroom because we were arresting someone but Sgt Blount's command to delayed the bathroom and prayer time is unacceptable, I have religious obligation to fulfill and Allah commanded to pray always come first and Sgt Blount command to hold my bathroom and prayer time come second

Sgt Blount mentioned to me that I can not pray because we were arresting someone but we arrested this person 4 hours ago and my post was clear and safe and the perp on handcuffs upstairs sleeping at

rollcall office and the condition on my post was safe. Maybe Sgt Blount busy because she have to wait for DA phone call but She can't commanded me not to pray because we were arresting the person 4 hours ago and it was not current condition at my post and this situation not happened on my post. My post at post 4 main lobby was safe and clear without undue hardship of the employer.

Respondent response regarding my email about Captain Melendez: Page 3, Paragraph 3, Line : 9-11, stated:

I have my rights to ask the pre- disciplinary warning for post abandonment to be removed from my file and I believed it was an unfair Pre-disciplinary warning."

Captain Melendez statement on his email On April 07,2022 at 04:33 pm stated:

I should first clarify that I personally never issued you a "written warning" as you mentioned. However, I do know that you have been having challenges with the job function of a hospital police officer and have received a pre-disciplinary warning for post abandonment months ago by your direct supervisors - which is effecting your probational evaluation. Please note that we will continue helping you in the areas of concerns, as we do with any officers having job performance issues.

(See Exhibit B-55) This statement is not true because he did write me up in October 2021. Sgt Rodriguez called me on the phone to come to Captain Melendez office, and I was told by Captain Melendez to sign the write- ups paper about I was walked out from my post . The write-ups paper stated that this write-ups will forward to Department of Justice center. I told Captain Melendez the reason I was walking out due to pray and in need to go to bathroom urges. He did not give the copy of this write-ups and he did not give me the chance to read all of it but I saw this write-ups about my poor performance of walking out the post and It does not say the explanation why I was leaving my post. It just said that my poor working performance for abandoned the post.

The respondent response is incorrect on Page 3, Paragraph:4 , line: 1-3 Stated:

Charging Party did not attend the meeting Martinez scheduled with labor personnel.

Charging Party's email exchange with Martinez was referred to the Office of EEO and an internal EEO investigation was undertaken.

I was not aware my conversation with Martinez. Who is Martinez? Officer Martinez. But I never have exchange email with the person name Martinez. I am aware I have exchange email with Captain Melendez only about the meeting (see exhibit E). I never have email exchanges email with Martinez. In addition I did not attend the meeting because I was called out sick on April 08, 2022 because the pressure which I had in my working environment and the respondent giving hard time to accommodating to pray On April 7,2022.

The respondent response is incorrect on Page 3, Paragraph:4 , line: 3-6 Stated:

Despite Charging Party being asked to submit an official complaint using the System's EEO complaint form Charging Party neglected to so. Charging Party did participate in the investigation and was interviewed by the Office of EEO on April 13, 2022 where her only allegation was regarding her religious accommodation

At least I didn't refuse the EEO internal interviews with Steven Strauss on April 13, 2022 at 11:13 am for 50 Minutes and 7 second(**Exhibit V**). I filled the same EEOC complaint on the same day on April 13,2022 at 3 pm because I think he has a conflict interest with the respondent. I have rights to file the external EEOC complaint when I believed the EEO internal interviewer have conflict interest with NYC Health + Hospitals. I have limited opportunity to speak. I don't want to waste time with EEO internal because all the discrimination lawsuits have limited time frame to filled the charge. I don't believe EEO internal to solve my case because EEO internal interviewer(Steven Strauss) was more emphasize to my bathroom accommodation rather than give more effort to accommodated me to walk out my post in order to pray. I need to permission to pray because it is part of my religious belief if I can not pray I can not work there. Prayer is my everything. In addition while I was try to explained what really happened on 04/09/2022 and I am not capable to express and speak freely because he cut me off during conversation and he said " I will called you back" . I rather go outside agency such as EEOC who doesn't have any conflicts interest with the respondent.

In addition I have to filled the lawsuit to outside agency as part of requirement when I apply the Unemployment Benefits because there is the question on the form I have to filled out if I believed I was discrimination against I have rights to filled the complaint. I must filled the complaint to outside agency (EEOC or Department Of Human Rights).

The respondent response is on Page 3, Paragraph:4 , line: 6-8 Stated:

Charging Party complained that she had been relieved from her post late on several occasions and said that being relieved late interferes with her prayer time

I sent 2 separate email to Captain Melendez regarding Detective King who refused to accommodate my early prayer time on March 27,2022 at 08:03 pm(**See Exhibit B & Exhibit G**) and Captain Melendez verbal statement replied while he was passing Post 4 Main lobby : He stated that the Hospital Police Department not able to accommodate the early prayer time(**See Exhibit G**). I requested to mentioned in writing statement and I sent Captain Melendez another email on March 28,2022 at 08:55 Pm(**See Exhibit G**).

The respondent response is incorrect on Page 3, Paragraph:4 , line: 8-11 Stated:

Charging Party acknowledged that her practice is to notify central approximately five minutes prior to the time necessary to pray and central sends relief in response enabling her to use the bathroom and to pray. Charging Party said she is generally relieved but alleged that when King answers the call relief is sent late or fails to respond

I always called ahead of time not 5 mins before in order requested to be relieved for prayer but I did asked permission 10 minutes before prayer time is my cutoff to walked out the post if nobody come to relieve me from my post after April 07,2022 incident . I didn't called last minute to central command. Prior I filled complaint against Detective King Usually another officers at central command(Officer Wood) didn't argue with me and they send the relieved by calling the officer on the radio to relieved me. For example "post 9 please respond to post 4 for 62". 62 meaning break to pray or bathroom. In this case Detective king didn't do the same like other officers do many time she said "what time is prayer time and she said no you can't go " without giving specific reason. Sometimes she just hang up without replying something or sometime she yelled and she didn't called anyone on the radio to relieve me .

One time I called her back on the central command phone and I asked if she called anyone to relieve me and she said she don't like the way I talked to her. One time she yelled on the phone when I called her again she yelled on the phone "you need to stop harassing people". My prayer time late for 20 mins and I reported this incident to Captain Melendez (**Exhibit B**) and he didn't reply right away but I caught him walked at post 4 main lobby and he said verbally the department not able to accommodate early prayer time all the time. This happened consistently when Detective King working in the central. I am 100 % sure the department not busy at all and there's no 10-8 incident or any kind " exigent working conditions" as respondent as explain.

The respondent response is incorrect on Page 3, Paragraph:4 , line: 11, continue to page 4; Line 1-2 Stated:

On those occasions Charging Party leaves her post without permission and admitted she had been written up twice for leaving post without permission.

This statement is incorrect I didn't say I get write up twice for walking out the post . I get write up once by Captain Melendez back in or October, 2021 when I did not accommodate for bathroom urges and prayer time. I can not hold my bathroom anymore that day and I was late to pray that day because Sgt Blount said I must hold the bathroom and my prayer time because we have an arrest perpetrator somewhere and the perp on handcuff upstairs but we were arresting this individual 3 hours ago and I need urges for bathroom and also I have to pray . In addition I leave my post in safe condition without undue hardship of the employer. I told Captain Melendez I leave my post because I need to use the bathroom because my stomach pain and I need to pray too.

In October 2021, I believed the respondent violated HIPAA law when Captain Melendez and Sgt Blount requested the doctors note when I was getting written up for walking out my post in order to relieve my have bathroom urges and pray . I believed It's illegal for employer to request the doctors note because using the bathroom can not categorize as type as disability but it's human nature. Captain Melendez and Sgt Blount requested a doctors note to disclose my medical records information in order to receive bathroom accommodation it's illegal because I have rights not expose my medical records as extent to necessary. I believed in this situation was not necessary to provide my medical records if they give me fair working assignment like other new employees who already assigned to rotating job assignment positions within one months and favorable working assignment. I was place at unfavorable working assignment which I was assigned to work on the post which required relieved all the time. All of these happened because of my protected activity (my age). In addition I was place to unfavorable working conditions at post 4 main Lobby when the respondent have knowledge of necessity to pray and need to use the bathroom for ablutions.

I believed my right as woman was violated when I was denied the bathroom because women always have monthly sickness which menstruation. The respondent said I must provide doctors note for bathroom accommodation is illegal and violating my rights as woman. The typical of menstruation for me made me want to use restroom because I have to relieve something because of stomach cramp. In addition when I have heavy flows and my pads soaked I am in need to change the pads because can cause infections.

The respondent response is incorrect on Page 4, Line 2-8 Stated:

Charging Party also alleged that she is prediabetic and said she needs to use the bathroom often but admitted she has never completed a reasonable accommodation request and never provided supporting medical documentation regarding her bathroom use. Charging Party told EEO, during the interview, that she requested a doctor's note but was told by her doctor that no note could be given as she did not have a medical condition that supported a medical note. Charging Party did not seek to include an allegation of failure to accommodate any medical condition in connection with EEO's review

The respondent statement is incorrect, during EEO interview I did say that "I don't want to blame NYC Health Hospitals for having Prediabetic ". I did not say I need to use the bathroom accommodation more often but I am more emphasize for my prayer time because I was struggle to my accommodation to pray. I did not want to request another bathroom accommodation when my prayer time was having difficulties to be accommodated. My prayer is my everything and part of my religious obligation if I delayed my prayer will be big sin for me.

See Qur'an verse and Hadith about the prayers:

*"Woe to the worshippers who are unmindful of their prayer. Those who delay their prayer".
(Quran 107:4-5)*

*It's a horrible sin to delay or ignore Al- Salah, so Allah Almighty warns us from that, He says :
"Woe to those who pray, who are heedless of their prayers (delaying them from their prescribed times)". [Al-Ma'un -4,5] ,*

*"Surely the Salat at fixed hours (of the day and night) has been enjoined upon the believers."
(Surah an-Nisa, 4:103)*

Umar ibn al-Khattab (RAA) reported that a man asked the Prophet (SAW): "Messenger of Allah, what action is dearest to Allah Most High?" The Prophet (SAW) replied: "Prayer at its proper time. The one who does not pray has no religion. Prayer is the main pillar of the religion (of Islam)." (Baihaqi)

The Prophet (SAW) said: "The first thing which will be judged among a person's deeds on the Day of Resurrection is the prayer. If that is in good order, he will pass the test and prosper, and if that is defective, he will fail the test and be a loser." (Tirmidhi)

The Prophet (SAW) said: "The covenant between us and them (that is, believers) is prayer, so if anyone abandons it he has become an infidel." (Ahmad, Ibn Majah, Abu Dawood, Nisai, Tirmidhi).

*The Prophet (SAW) said "What lies between a man and infidelity is the abandonment of prayer."
(Muslim)*

And he said: "If anyone abandons prayer deliberately he has no claim upon Allah" (Sunan).

Allah most High says: "Then there succeeded them a generation which neglected prayers and followed lusts. They will meet with destruction (Ghayy), excepting the one who repents and believes and acts righteously". (Quran 19:59-60)

"Abdullah asked the Prophet Muhammad (SAW) "Which deed is the dearest to Allah?" He replied, "To offer the prayers at their early stated fixed times." (Sahih al-Bukhari 527).

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

Narrated Abu Aiyub Al-Ansari: The Prophet said, "While defecating, neither face nor turn your back to the Qibla(Prayer direction) but face either east or west." Abu Aiyub added. "When we arrived in Sham we came across some lavatories facing the Qibla; therefore we turned ourselves while using them and asked for Allah's forgiveness."

Abu Ayyub reported: The Apostle of Allah (may peace be upon him) said: Whenever you go to the desert, neither turn your face nor turn your back towards the Qibla(prayer direction) while answering the call of nature(bathroom), but face towards the east or the west. Abu Ayyub said: When we came to Syria we found that the latrines already built there were facing towards the Qibla. We turned our faces away from them and begged forgiveness of the Lord. He said: Yes.

(See Exhibit B55) In or October 2021, Captain Melendez writes me up for walked out my post for bathroom urges and prayer I was asked to provide doctors note by Captain Melendez and Sgt Blount for the bathroom accommodation. At the time I was not have prediabetic yet and the doctors can't provide me the note. I was diagnose prediabetic on December 2021 but at the time I was place in Post 2B where this post is additional post Emergency Room where I can go to the bathroom and pray at anytime because this post does not need a relieved but since they said they eliminate this post(2B) from midnight shift in the end of January,2022 it was really hard for me to pray and accommodation for the bathroom. I was place to work permanently at post 4 main lobby which is very difficult for bathroom and prayer accommodation because I need relief in order to pray and bathroom.

In addition I believed the respondent give me unhealthy working environment for my health being as woman and as human being which I am not aware of it until I leave the job. Since I left the job I am not longer have prediabetic conditions and I do not have suffer during my menstruation when I need to relieve myself or changing my menstrual pads for bathroom relieve when I need it. I would like to say that I do not want to blame my health condition but the working condition is unhealthy working

condition as woman especially not having easy access to use the bathroom for woman is very hard especially during menstruation cycle.

I disclose during eeo interviewer that " I don't want to blame NYCHHC hospital for me having prediabetic" . I didn't say that I need accommodation for bathroom because from the pattern experience, I was told I have to provide the doctors note in order to use the bathroom when I got written up or pre disciplinary warning In October 2021 but in end January I need more accommodation to pray because I was having difficulties accommodation for prayer and bathroom. I try to avoid bathroom as much as I can hold and Especially I try not to eating and drinking at my workplace during Ramadan in order to be giving the opportunity of accommodation for my prayer time because I put my priorities accommodation to pray above all. I need to pray because it's the declaration of my faith and the obligations for my religious beliefs. In Islam people who abandoned the pray it's considered disbelievers. The department not even accommodate my prayer time how I am going to request another bathroom accommodation. The respondent did not accommodate my prayer time because Sgt Rodriguez asked questions very critical in Islam. He asked to choose God or Job and he said "you need to clock out at 05 am today and comeback tomorrow if you will choose the job first". I told him today and tomorrow are the same I will choose Allah first and I give my ID, badge, key and all my police equipment to him. His question is infringement my religious belief because if I choose to work there meaning I will choose job over Allah which infringement my religious believe. This incident cause the constructive discharge because the respondent refuse to accommodate my prayer time become second priority even though my post was clear and safe without undue hardship of the employer.

When I was replace at post 4 main lobby in the end of January when they said they eliminate post 2B from my working assignment because it already became the pattern that I was not allowed to use the bathroom urges after lunch or before shift started because my prayer is more important than anything else. I need accommodation of my prayer time in order for me to work there. The department not busy at all . The respondent stated "The system" was busy not the condition because the condition on my post (Post 4 main lobby was safe and clear without undue hardship of the employer). Many time I have to hold my bathroom urges in order to give the opportunity to pray on time and sacrifice my bathroom in order to give accommodation to pray. I was sacrificing my eating and drinking in order to hold my bathroom and giving opportunity to pray. Even during Ramadan I did not eat my suhoor(Eating before Dawn)in order to be giving opportunity to pray on time. I need to use the bathroom to perform ablution and bathroom urges because In Islam I can not perform prayer while I have hold the bathroom urges.

In or October, 2021 ,Captain Melendez and Sgt Blount said I need to provide doctors note if I will be using the bathroom every morning. But I believe the respondent has invading my personal health privacy by asking my personal health information in order to be accommodated for bathroom. If I disclose to them my personal health information it's okay but my employer does not have right to invading my personal space by asking my personal health information under HIPAA law in order to be accommodated for the bathroom.

The respondent response On Page 4, Paragraph 1, Line:1-6 Stated:

Charging Party said that on April 9, 2022 she walked off post without being relieved and asserts that Supervising Special Officer Rodriguez, upon discussing her post abandonment told her this, "job was not for her. You have to choose between God and your job." Charging Party then turned

in her shield, ID, radio and keys but when asked if she was resigning said she was not. Charging Party never made any allegations regarding gender, sex or retaliation during her EEO interview

On April 13, 2022 The EEO internal interviewer(Steven Strauss) didn't let me finish when I said I leave my post without undue hardship of the employer when I am about to explain he cut me off and he didn't let me finish and he said he will called me back.

I believe the EEO internal interviews not able conducted the investigation in a good faith because the conflict interest he has with the respondent human Resources and in addition EEO internal office address was located at the same address of respondent human Resources at 50 or 55 water street, New York, NY 100012. During interviews he cut me off is kind of rude and I can feel the conflict interest with this interview that's why I filled discrimination with the outsider EEOC at 3 pm on April 13,2022 that day . At least I didn't refuse to the interview by EEO internal and also there's time limits in order to filled the lawsuit with EEOC and I don't want lose the time frame to filled the lawsuit against the respondent. He seems the EEO interviewer not in the middle side and I feel so distant and try to provoke the situation and say what he really wanted to hear from me. I do not have freedom speech and I feel so distant. In addition the EEO interviewer more emphasize to my bathroom accommodation rather than my prayer accommodation to relief my post. If I can not pray I can not work there. My religion is my everything.

One or 2 days from this incident(April 13, 2022) I was received letter in mail that my employment terminated. In the mail it said that I must returned all the police officers equipment but I already returned all the police equipment and my bulletproof vest on April 09, 2022 when Sgt Rodriguez told me this job not for you and you must choose between God or a job. He told me "you need to clock out at 05 am today and go home and think comeback if you choose the job first". I told him today and tomorrow are the same I choose Allah first and I give him all my shield, ID, Key and comeback downstairs to change my uniform to remove my bulletproof vest because my bulletproof inside my uniform garments. I give all the police equipment on the day of April 09, 2022.

The respondent response On Page 4, Paragraph 2, Line:1-6 Stated:

On August 10, 2022, prior to the conclusion of EEO's internal investigation the System's Office of Legal Affairs received the instant charge. As per the System's EEO policy when an external complaint is filed while an internal investigation is pending and the external is based upon the same allegations that comprised the internal, the System's response will be to the external complaint [Exhibit C- System EEO Policy]. As such there was no determination issued for Charging Party's internal complaint.

The EEO Interviewer(Steven Strauss) did not giving me any opportunity to speak freely and I do not feel comfortable to speak because he more emphasize to accommodation for bathroom but I need more accommodation to leave my post in order to pray. If I was not able to accommodated to pray I can not work there and my prayer is my everything . In addition he cut me off when I am about to explain to him about 04/09/2022 incident .I did not want to argue with him by saying "I am not finish" because I am not trying to be rude. He said he will called me back because he seems he does not want to hear what I will say or filled another subject of allegation on my interview. I was very busy because I need to apply food stamp, file unemployment claim to prove my discrimination case to labor board which I have to explain

the situation to labor board to explain what really happened in order to help me to pay my rent and I do not want to spend time with the internal investigation when I was received first class letter in the mail that I was terminated from the job. I rather go to external EEOC who able to hear my voice freely.

II. The systems not Granted Charging Party's Religious Accommodation Request

The respondent response is incorrect on Page 4, Paragraph 3, Line 1-5 Stated:

Charging Party's statements during her EEO interview reflect that she was provided an accommodation for her religious beliefs. Charging Party admits the department sent her relief as she requested to permit her prayers, however, there were instances where relief was not sent immediately after Charging Party made her request due to the exigent nature of the department's work

Respondent response statement is incorrect, the department not busy at all. I was told I was not being relieved not because of we are busy but because I believed they were not willing to accommodate because of the retaliation because I filled the complaint of Discrimination regarding Detective King. While the Detective King on her leave the condition was corrected I was relieved on time in order to pray but after Detective King comeback to the office, the situation getting worst. I was not provide relief in order to pray and even though the department not busy at all.

I was told the reason I was not being relieved because On 04/04/2022 Central Command(Officer Agosto) said He does not have anyone to relieved me to pray. My prayer was late that day due to I have limited time to use the bathroom and doing the ablution, I was off on 04/05/2022 and 04/06/2022. On 04/07/2022, Central command (Officer Wood) refuse to accommodated my prayer time when I was asked the central to relief me to pray. I am sure the department not busy at all because the radio communication was quiet as usual and my post was safe without undue hardship of the employer. I was told by Officer Wood that Sgt Rodriguez told him that I supposed to be relieved to pray at 0513 am and I told him that time will be late for me to pray. I told the central command(Officer Wood) I would walked out post if nobody want to relief me and after I told them I will walked out my post Detective King came to relief me to pray.

On 04/ 09/ 2022. I leave my post in safe condition on post 4 main lobby without undue hardship of the employer. This is not "due to the exigent nature of the department's work be. There was the incident happened at 0424 am but the condition was back to normal when I walked out my post at 0458 am. I called Central Command (Officer Jones) that I will walk out my post due no body relieve to pray and Officer Jones states that Officer Chapagain was on the way to post 4 main lobby so the condition in my post (post 4 main lobby) was safe and clear without undue Hardship of the employer.

I believed this is premeditated incident in order to not accommodating me not to pray that night because The Hospital Administration already received my email from me regarding I need permission to walked out my post if nobody came to relief me to pray(See Exhibit F). Regardless the incidents legitimate or not my post was safe and clear without undue hardship of the employer.

The 10-8 incident happened at 0424 am it was happened half hour ago. I walked out my post at 0458 am by notifying central command that nobody come to relieved me and My post was safe and clear without undue hardship of the employer.

During EEO internal investigations I am about to say something but he cut me off. During emergency it's allowed to leave post 4 main lobby unattended as long it's safe because on tour 2 morning shift (08 am to 1600) while I work on mandate over time at methadone clinic I was having 10-08 situation and Officer Echevarria leave post 4 main lobby unattended from there go to methadone clinic. I learned that it's okay to leave post 4 main lobby as long the condition is safe. I was asked him who at post 4 main lobby he said the central command said it's fine to leave it as long it's safe.

I did told central command(Officer Jones) when I leave the post due to nobody relieve to pray and central command (Officer Jones) stated that the officer Chapagain is on the way to post 4 main lobby. The officer was on his way to post 4 main lobby and it doesn't cost undue hardship of the employer.

The respondent response is incorrect on page 4, paragraph 3: Line : 5-15

As previously explained Special Officers respond to alarms within the facility. If there is an emergency requiring the attention of hospital police it would delay a response to Charging Party's request for relief. Such delays were unacceptable to Charging Party who said "prayers come first." The System provided Charging Party with an accommodation enabling her to pray but Charging Party's expectation that relief should be provided immediately upon her request, regardless of whether there was an emergency requiring hospital police response, was both unreasonable and an undue hardship to the System. The System is required to ensure the safety of its staff, patients and visitors which is the role of Hospital Police. It is unreasonable to expect the System to abandon that responsibility to ensure Charging Party is timely relieved for prayers. Instead, when there were exigent circumstances requiring the response of multiple officers, relief was provided as soon as hospital police could safely send a relieving officer to Charging Party's post

This response unfair to describe what really happened the situation at midnight shift not that intense like the respondent explained. The typical working conditions in midnight tour is not busy at all because all of the clinics close. Post 4 main lobby like ghost town empty on midnight shift and all the clinics are close and all lock down. The patrolling officers nothing to do after 0300 am because their job to make sure all the door is locked if unlocked requested the officer get the key from central command desk but it's very rare someone call for unlock because all the clinics are close. Most of the hospital employees have keys and it's very rare for them to called for unlock.

Only 4th floor main lobby is open for pregnant woman labor delivery only and the information desk open 24 hours at post 4 main lobby, other than that only Emergency Room open 24th hours.

The incident on 04/09/2022 it's very rare situation but regardless they said they were not able to accommodated my prayer time because the respondent stated "The system", "there were exigent circumstances" but I did not witness this condition at my post or anywhere else and my post 4 main lobby was safe without undue hardship of the employer. There were incident occur at 0424 am I hear on

the radio and this incident was happening half hour ago not happened on my post 4 main lobby . I was walked out my post at 0458 am in order to pray when the condition was back to normal.

The most important thing was I leave my post in safe condition without undue hardship of the employer. Many time Sgt Rodriguez prevented me not to pray because he said "what if" something happened if I prayed. I told him in Islam "what if" is the word of the devil. I told him that in Islam "what if" in Arabic we called "was was" something that not yet happened. Something that it's not yet happened meaning "Fear". Satan always put fear in our heart when we wanted to do good deeds (prayer). Hadith Prophet Muhammad SAW said tied your camel and relied on Allah. Everything in the hand of Allah. In Islam I have to pray on time and Allah command to pray come first and Sgt Rodriguez not to abandoned the post come second. I can not follow Sgt Rodriguez command because it will infringement my religious belief.

The respondent response is incorrect on Page 4, Paragraph 4, Line 1-4, Stated:

Melendez said that on April 9, 2022 at 4:33 AM there was a panic alarm requiring response from multiple Hospital Police officers. Melendez was informed that Charging Party abandoned her post, post 4 in the main lobby, after calling central at 4:45 AM seeking relief to pray. Charging Party's scheduled prayer relief time was 5:09 AM

The respondent statement is incorrect. There's no panic alarm from multiple officers because I didn't hear any beeps or buzzer from the radio. In hospital police radio there's red button and we called it panic alarm. The officers can push this red button in order of emergency if anything happened to them. But this incident not the panic alarm situation because I didn't hear any buzzer or alarm sound from my radio or anywhere else. This incident was 10-8 incident command from central (Response to specific Area) instead I hear the announcement from central command (Officer Jones)states on the radio "post 7,8 9,10 please respond to 10-8 to 7 south or 6 south something like that and I am not recalled the exact location.**(Exhibit C-18)**

The respondent statement is incorrect on 04/09/ 2022 I didn't called central command at 04 45 am but Officer Wood central officer called me from central to post 4 main lobby phone around 3 am or 04 am. He mentioned that he will be releived me to pray at 04 45 am. I didn't called them because I already told the rest hospital administration through email On April 07.2022 (**See Exhibit H, Paragraph 8**)that I need permission to leave my post if nobody relieve me to pray and I will notified central command that I will leave my post if they relieve didn't come. I leave my post at 04 58 am in safe condition without undue hardship of the employer. I can not get relieve to pray at 0509 am because it will be too late for me to pray because I need to use the bathroom and perform the ablution in order to pray and I have to go to 12th floor mosque and I have to pray on time

The respondent response is incorrect on Page 4, Paragraph 4, Line: 4-7, Stated:

Because all available officers were responding to the panic alarm involving a combative patient there was no officer available to relieve Charging Party. Rodriguez spoke with Charging Party who acknowledged abandoning her post, leaving the post without a covering officer, indicating that she had to pray and God comes first

On 04/ 09/ 2022. I leave my post in safe condition on post 4 main lobby without undue hardship of the employer. This is not panic alarm but this is 10-8 incidents. I was told by Sgt Rodriguez that just the

patient refuses the medication try to attack the nurse it's not life and death situation on my post 4 main lobby. During EEO internal investigations I am about to say something but he cut me off.

During emergency it's allowed to leave post 4 main lobby unattended as long it's safe because on tour 2(08 am to 1600) while I work on mandate over time at methadone clinic I was having 10-08 situation and Officer Echevarria leave post 4 main lobby unattended from there go to methadone clinic. I learned that it's okay to leave post 4 main lobby as long the condition is safe. I was asked him who at post 4 main lobby he said the central command said it's fine to leave it as long it's safe.

I did told central command when I leave the post on 04/09/2022 the central command (Officer Jones) stated the officer is on the way to post 4 main lobby. The officer was on his way and it doesn't cost undue hardship of the employer. I believed they created this situation because the hospital administration have plan to get rid off me and create the situation. Sgt Rodriguez asked me to login to my employees account on April 09, 2022 and have access to my email with my personal files. In addition on April 09, 2022 we have more officer than usual we have post 7 that's the red flag which means they premeditated the incident so if they fired me at 05AM they have enough people to cover me for that day(See Exhibit C-19). I did told the hospital administration on email on April 07, 2022 that I need permission to leave my post if nobody relieve me on time to pray(See Exhibit N-2, INTERNAL COMPLAINT TO HOSPITAL ADMINISTRATION). Regardless what they said I leave my post in safe condition without undue hardship of the employer.

In addition the 10-8 incident was happened half hour ago (0424 am) and I walked out my post at 0458 am when the central command officer (Officer Jones) stated that the officer on his way to post 4 main lobby locations and my post was safe without undue hardship of the employer.

Allah command to pray is my priority than Sgt Rodriguez command not to abandon the post. I leave my post in safe condition without undue hardship of employer.

In addition, central command operations able to monitor post 4 main lobby from different angle cameras CCTV from central command office upstairs. There are many CCTV cameras in the main lobby.

The respondent response is incorrect on Page 4, Paragraph 4 line: 7 continue to page 5: Stated:

Charging Party was told that the department makes all efforts to accommodate her prayer time but, in this instance, all available officers were responding to an alarm. Rodriguez told Charging Party she would be relieved of duty for the remainder of the tour because she abandoned her post. Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk. When asked if she was resigning Charging Party said she was not resigning but "God comes first"

This statement is incorrect because the incident was happened at 0424 am and I walked my post at 0458 am when the condition back to normal. In addition I walking out my post without undue hardship of the employer. Allah command to pray is more priority than Sgt Rodriguez command not to abandoned the post. Yes Allah first I have to pray and I did notified the Central Command that I need to walked out my post due to nobody relieve me to pray and I was told by central command (Officer Jones) that Officer Chapagain was on his way to post 4 main lobby in order to relieve me to pray. The officer was on his way so it was not cause hardship of the employer.

The respondent response is incorrect on Page 4, Paragraph 4 line: 7 continue to page 5: Stated:

Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk.

The respondent response is incorrect : I did not place my shield, ID card and keys on Captain Melendez's desk. This office not Captain Melendez office, This office where the rollcall briefing being held or this is supervisors office. Captain Melendez office located at the second door on the right when we enter the Hospital Police Headquarters Department.

The respondent response is incorrect on Page 5, line 7-9, Stated:

On April 11, 2022 Charging Party appeared at Metropolitan and cleared her personal property from her locker. No resignation letter was ever received from Charging Party but she did not return to work after that day, April 11, 2022

The reason I went to Metropolitan hospital on April 11, 2022 because I need to pick up my poor performance file which I left it on my locker room which Captain Laboy and Sgt Rosado gave me in November 2021. I am not able to print this poor performance from my account because I believe Sgt Rodriguez deleted from my poor performance file in the night when he requested access of my personal employee account on April 08, 2022 at approximately at 11:50 pm and April 09, 2022 at 0150am Because I saw my personal files evaluation was empty that's why I came to get my evidence of my poor performance file because of my age.

I did not resigned but I was discharge because of my religious belief. Sgt Rodriguez told me I have to choose God or Job is the infringement my religious belief because in Islam Allah always come first and Allah's command to pray is the most priority than Sgt Rodriguez command not to abandoned the post. Sgt Rodriguez told me I have to clock out at 05 am on 04/09/2022 and he said go home and think and come tomorrow if you choose job first. I told him today and tomorrow are the same I will choose Allah first and I give him my shield, radio, ID all my police possession. I was discharge because they were not willing to accommodate my prayer time obligations.

III. Discrimination based on Sex: Female

I believed my rights was violated as woman because I was told that I can't get pregnant within 3 months in order to be hired at NYC Health+ Hospitals. If my expectant to be pregnant is not the contingency of term of employment Dr Wilby should waive the requirement to take the vaccine as the term of requirement in order to get the job. She supposed to find another way how to give more accommodation in respect to my intention to be pregnant. She supposed to say "let me draw the blood to see if you are immune MMR vaccine. Dr Willby did not have any intention to accommodation my intention to be pregnant instead she said if you didn't take the vaccine you didn't get a job,

I told Dr Wilby that I am expecting to be pregnant and I told her that I already took the MMR vaccine while I was in college. I told her that I will provide the documentation that I took the vaccine while I was in college. She told me whether I have the documentation I must take 2 MMR Vaccine but she supposed find a way to accommodate that I was expecting to pregnant but I was told if I did not get

MMR vaccine I can not get a job. In this case Dr Wilby aware my expectation to be pregnant but I was force to take the vaccine in order to get a job.

In this case Dr Wilby emphasizes that my expectations to be pregnant becomes the term condition of contingency of the employment. If my pregnancy not the contingency of the employment Dr Wilby should say and give me another option not to take the vaccine because I was learned that draw the blood can detect whether I was immune to MMR vaccine or not.

I received the letter stated that the job offer under the contingency that I must fulfill pre-physical medical examination(See Exhibit X). I have to take the MMR vaccine in order to be hired in NYC Health+ Hospitals. Dr Wilby asked me if I was pregnant and I told her I don't know and she asked my urine and I wait outside and she called me back she said I have to take the MMR vaccine for this job and you can't get pregnant within 3 month. I told her that I am expecting to be pregnant and Dr willby said I can not get pregnant if you wanted this job.

Baruch College admission office told me that they can use the blood work in order to see whether I already immune mumps or MMR. There are no such thing She must force to take the vaccine again and the MMR vaccine good for a life time.

If the term of my intention to be pregnant it's not the contingency of the employment, Dr Willby must find the way to be exempt from this MMR vaccine because my intention as woman I would be pregnant it's very significant because I will bearing the child. Dr Wilby should draw my blood instead and find out if I was immune to MMR vaccine. But In this case I believed to hold my pregnancy is the contingency of the employment because if my intention to be pregnant I can not get the job and I was force to take MMR vaccine when I told DR Wilby that I was expecting to be pregnant. When I was told I must hold my pregnancy in order to get the job.

As per respondent response that "the system provides candidates who have medical or reasonable accommodation" but Dr Wilby did not give me any accommodation to waive the requirement to take the MMR vaccine even though I already told my intention to be pregnant.

In addition The lady I met on OHS on March 4,2022 as new hire employee for Hospital Care Investigator Position and I believed her name is Mahmuda and her list no.586. She told me that the doctor did not asked her to take the MMR vaccine instead the Doctor just took the blood from her.

I was not giving the option to submitting any exemption form to submit in order to exempt from my pregnancy because I was expecting to be pregnant instead I was told that I can not get pregnant for this job because I need to take the MMR vaccine.

In this situation I believed my expectation to be pregnant decision become contingency term of employment in order to get the job. Even though I told Dr Wilby that I am expecting to be pregnant and I already took MMR vaccine when I was in Baruch College. She insisted me to take the MMR vaccine again or I will not offer for the job. It was very hard to swallowed when she said in order to get this job I have to abstain myself to be pregnant within 3 months. Dr Wilby did not give me any reasonable exemption for example draw the blood from me to find out if I was immune to MMR vaccine or accommodation for woman who expecting to be pregnant instead I was told if you plan to be pregnant within 3 month you can not get a job.

I believe the respondent has violated title VII employment discrimination base on my gender as woman not freely allowing me to use the bathroom because as woman I have a monthly sickness(menstruation). Captain Melendez and Sgt Blount said I should have doctors note in order to use the bathroom is violated my rights as women during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition I have to changed the menstrual pads in every 2 hours when I have heavy flows and if I am not changing the pads will cause infections .I discussed with my friend about how she feels during periods because I told her I have feelings going to the bathroom during my period because I feel like I want to go to the bathroom urges or peeing more during my period because of stomach cramp I have and she said she feels the same it's woman nature feeling that way during period. In addition the department not allowed me accommodate me for the bathroom can be the type harassment because of my age too I was feeling my working environment like jail to me. In addition bathroom and prayer are connected because I need to do ablution in order to pray . The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination too because we must do ablutions with water before we pray and this ablution is a must or my prayer is invalid. In addition we can not pray and hold the bathroom urges because the Hadith Prophet SAW said:

The hadith Prophet Muhammad SAW mentioned:

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu(Ablution)', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allaah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

IV. Hospital Police Special Officers Dress Code

The respondent statement is on Page 5, Paragraph 2, Line; 1-5

Charging Party alleges that on June 30, 2021, while she was still in police academy completing training, Captain Anthony Padilla ("Padilla") told her to tighten her belt. This claim is time barred given the filing date of Charging Party's charge, July 28, 2022 and the date the alleged acts occurred. In addition to the allegation being time barred the allegation does not support Charging Party's discrimination claim

This claim is not time barred Hospital police Academy is considering the term and conditions of employment in order to be hired at NYC Health+Hospitals. In addition I filled the Charge with EEOC on submission initial inquiry on April 13, 2022 at 3 pm(See Exhibit X and Exhibit Y)

The respondent statement is on page 5, Paragraph 3, Line 1-4, Stated:

Charging Party claims that she previously provided a note with a picture of a pregnant woman after a visit to gynecologist. Notably, Charging Party does not detail the contents of the medical note, does not indicate the medical note confirmed a pregnancy and does not indicate to whom the note was provided.

The letter did not indicate of my pregnancy the note just indicated that I have doctor appointments and not able to come to work. The note has a picture of the pregnant woman and the note indicated from Health Care For All Women OB GYN doctor on the header note. I was provided the note to Hospital Police academy because I was told that we have to provide documentation if we are not able to come Hospital academy class. I give the first note(June 25,2021) to Alhia Haris when I was checking my pregnancy and the 2nd note(July 1,2021) I give to Detective Santa Lay when I was miscarriage. The note was provided from Health Care for All Women OB-GYN. The second note was provided from the same provider even though I was discharged from NY Presbyterian Hospital in Flushing, NY but the doctor giving me the note that contain my birthday and my age and I do not feel comfortable to disclose my birthday and I went to my personal Gyn Doctor at Health Care for All Women OB-GYN to request doctors note without my birthday written on it.

The respondent statement is on page 5, Paragraph 3,Line 4-5, Stated:

Charging Party also did not make this claim during her EEO interview regarding the internal complaint referred to EEO.

I did not discussed because the EEO interviewer because I did not able to give the opportunity to speak freely. EEO interviewer Steven Strauss from NYCHHC it seems he is interrogating me and asking questions rather than listening my complaint. I am not really having the opportunities to speak on my own to Express my own problems. He asked me questions rather than listening what I am going to say.

In the end of conversation I am about to say something but he cut me off. He didn't asked if is there anything I would like to say instead he said I will send you the form and I found out he send me the bathroom accommodation form and discrimination form but I need to the accommodations in order to pray. I need the accommodation to walk-out my post if nobody relieved me to pray. He said he will called you back but He seems not in middle position of this problem. He seems have "conflict interest" with the respondent and his address stated on his email is the address of Human Resources of NYC Health +Hospitals. 50 water street, New York. NY 10004.(See Exhibit V-1 and Exhibit V-1)

During EEO internal interview I did not know I was terminated until I found the letter in the mail that I was terminated so I just getting ready to filled for my food stamp, Unemployment followed up paperwork and filled the discrimination with EEOC Commission Agency.

The EEO internal interviewer (Steven Strauss) seems more on the respondent side. I believed he is Human resources of personnel because He did not let me to speak freely. I was dictated by him and he was asking me question twist my word around rather than understanding my problem.

I did participate with EEO internal investigations but so many time I was not sure if he really EEO or human resources of NYC Health+Hospitals. I don't feel comfortable on EEO internal investigations because he seems not on the middle side who try to solve the problems. The EEO interviewer seems he seems provoke the situation wanted to say what he really wanted me to say. He cut me off when I am about to tell him something. I feel so distant. He seems he try to provoke the situation and say what he

really wanted me to say without hear my complaint politely. I was told to filled up the bathroom accommodation form after 50 minutes long conversation about I need accommodation to pray to leave my post rather than just bathroom accommodation because I cannot work there if they are not accommodated me to pray. He said he will send the bathroom accommodations and this is not what I am really wanted. I need my prayer time and give permission to leave my post if nobody to relieve me. He said he will called me back but I don't think he will solve and understand my problem. After I received termination letter in the mail I just let go and apply for unemployment, food stamp and filled discrimination case with EEOC.

The respondent response on Page 5 continue to Page 6,Line :5-12, Stated:

However, Charging Party asserts that Padilla intended for her to have a miscarriage when he directed her to tighten her belt. Any comments made to Charging Party about tightening her belt, if they were in fact made, would have been done to ensure her proper appearance as required by her role as a Special Officer. As a Hospital Police officer Charging Party was required to wear a uniform while on duty [EXHIBIT E- Hospital Security Uniform Regulations]. The patrol uniform consists of an 8-point hat or patched blue baseball cap, long/short sleeve shirt (depending on season) and tie, pants, standard or semi tactical, trouser belt, duty belt, lack socks, black shoes and duty jacket (depending on season)

I believe my right as woman was violated when Captain Padilla told Detective Santa lay to fix my belt and I was forced to wear tight belt against my will because I will never put my belt so tight like that because I have baby inside but I need a job. Detective Santa Lay took me to the bathroom and she adjust the strap of my belt and it's little too tight. I went to classroom When I was sitting on the chair it feel so tight on my belly and I can't breathe freely but I believed they have knowledge of my pregnancy because the note has a picture of pregnant woman in heading note and have the name of the clinic "Healthcare for All Women OB Gyn".

Captain Padilla was sitting in the front facing me because of covid social distancing nobody sitting in from of me and Captain Padilla able to see me directly and he watching me to make sure I always have the belt on while I was sitting and so there's no change I will lose my belt because I have to remove the strap and readjusted in order to lose it.

I believed Captain Padilla have knowledge of my pregnancy because during lecture he mentioned that Hospital police administration able to access medical screening information without authorization of the individual plus I give my doctor's note with the picture of pregnant lady on the heading note pictures with the name of clinic provider "Healthcare for All women OB-GYN" on the doctors note. There were several employees who have the chubby belly and they were not subjected to tighten their belt and I just regular petite woman individuals but Captain wanted me to tighten my belt.

During academy there were another hospital police candidates who have big belly(Recruit Minor,Recruit Roberson, Hibler) but Captain Padilla didn't asked them to tight their belt. I am small figure woman with little bit have bigger belly than usual why do I have to tightening my belt. He said if you have belt like that I will take you upstairs meaning I will be dismissed from Academy.

The respondent response on Page 5 continue to Page 6, Line :9-12, Stated:

As per the Hospital Security Uniform Regulations Hospital Police Officers are to be well groomed as it is an element of professionalism while on duty. The regulations state: Uniforms are to be kept neat, clean and in proper repair. Shoes are to be shined [EXHIBIT E- Hospital Security Uniform Regulations]. To ensure Special Officers maintain proper uniform and personal appearance while on duty the Hospital Police Operations Manual dictates that supervisors are to perform inspection at each roll call. The roll call inspection is in addition to the formal inspection that occurs at least twice annually and the uniform locker inspection done to ensure each officer has all required equipment. The System does allow for exemptions from the Hospital Police uniform requires via submission of reasonable accommodation to the Office of EEO for either medical or religious reasons. Charging Party made no such request. Charging Party's assertion that the System intended for her to have a miscarriage when she was told to tighten her belt is not supported by any evidence nor is it evidence of any discrimination

I believe my rights as woman have been violated by enforcing tightening the belt as part of the Hospital Security Uniform Regulations. I believe, to enforce of tightening belt to woman is unacceptable and especially to force woman to tightening the belt against her will. The women might have childbearing or pregnant. I strongly believe that Captain Padilla have knowledge of my pregnancy because after my miscarriage I did not see him teaching the lecture almost one week and he was back he seems feel guilty what he did but Only Allah knows the unseen on people's heart.

During academy I hide my pregnancy in order to pass the academy which almost half way done and get this job. During Academy I provide the doctors note from my gynecologist doctor because I need to take the day off(June 25,2021) to go to the Gynecologist to check my pregnancy. I believed they were aware I was pregnant because the doctors note have a picture of pregnant women on the heading note but on the same week I was told to tight my belt. Captain Padilla upset with me during Police Academy on June 30,2021 he said "if you have belt like that I will take you upstairs" meaning I will dismiss from the academy.

I saw there were other ladies on my academy have loose belt but Captain Padilla didn't asked them to tight their belt because they are not pregnant. For example Recruit Minor and Recruit Robinson she have her belt loose like other ladies too. If the tightening the belt is the part of "Hospital Security Uniform Regulation" every one should instructed to tighten the belt but why I am the only one who was told will be dismiss from the academy because I have to tighten the belt.

Captain Padilla very upset with my belt and asked the Detective Santa Lay to fix my belt. Detective Santa Lay took me to the bathroom and she tightening my belt I can't breathe and I feel congested on my belly but I can't say nothing because I need the job. I went to the classroom while I am sitting I feel more tight on my belly.

I felt my Captain Padilla watch me a whole day when I was sitting to make sure I have my belt was on because I was seated on the third row or second row from the front where at the time we have to seat at covid social distancing rule and nobody seat in front of me so he can see me thoroughly. On the same day around 5 pm I got bleeding and I went to doctor at 08 pm and I stay 15 hours at emergency room and I got miscarriages. I was crying so hard because this is my first baby but I need a job.

Detective Santa Lay(Instructor) have loose belt too and many people didn't see anything wrong with my belt but Captain Padilla wanted me to tight my belt.

V. Charging Party Requested an Accommodation Regarding Bathroom breaks but the request was denied

On respondent response on Page 6, Paragraph: 1,Line : 1-8 Stated:

By Charging Party's own admission during her EEO interview she never requested an accommodation permitting the additional bathroom breaks she said required. During that interview Charging Party's also admitted that when she asked her healthcare provider for a medical note to support an accommodation request for bathroom breaks she was told by her doctor that no note would be provided because she did not have a medical condition that warranted a medical note. Any claim that Charging Party's bathroom breaks were not accommodated is belied by Charging Party's failure to identify a disability that required an accommodation as well as her failure to request an accommodation

I never requested additional bathroom breaks because I did not give easy access to pray so I try to not to request bathroom so I will be giving a accommodation to pray but I believed they do not want accomodating both.

I believe the respondent has violated title VII employment discrimination base on my gender as woman not freely allowing me to use the bathroom because as woman we have a monthly sickness(menstruation). The respondent said I should have doctors note in order to use the bathroom is violated my rights as women during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition we have to changed the menstrual pads in every 2 hours when we have heavy flows and not changing the pads will cause infections.

For female using the bathroom is a must especially during menstruation or pregnancy and employees have right not to expose their personal health information because she need accomodation of bathroom only as extent necessary. If I am consent to tell or expose my personal health information it's okay, but if I was told to provide the doctors notes in order to access the bathroom is wrong because urge going to the bathroom is human nature.

Also for my religious obligations in Islam we have to pray 5 times a day and before prayer we have to do wudhu(ablutions) with water is the part ritual of religious beliefs in order the prayer to be valid and we have to pray on time. It takes at least 5 minutes at least to do wudhu. In Islam religion we are not not allowed to hold the bathroom urges when we pray and we have to pie to make sure we're clean because clean is the part of iman(Faith) in Islam. The hadith Prophet Muhammad SAW mentioned that:

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh)

I believed the respondent violated title VII employment discrimination for denied the bathroom based on my gender as female, my religion is Muslim, forcing me to reveal my personal health information or HIPAA violation in the workplace breach and harassment because my age.

VI. The respondent was subjected to the Age Discrimination

The respondent response is incorrect on Page 6, Paragraph 2, Line 1-8 Stated:

Charging Party alleges that on September 24, 2021 she submitted her vaccine card to Melendez. Charging Party asserts that after submission of the vaccine card, which listed her age and birthdate, she began to receive negative comments about her work performance. The System was under the New York State healthcare workers vaccine mandate and required all staff to be vaccinated against COVID-19 and submit proof of vaccination, if vaccinated outside of the System to the OHS via an online portal [Exhibit September 8, 2021 HR Guidance regarding vaccine mandate]. If vaccinated within the System vaccination information would be automatically obtained by the System. There was no requirement to provide a supervisor with a vaccination card

This statement is incorrect I did not want to submit the covid vaccine card to Captain Melendez but he requested the card even though I already told him I submit the card to OHS on the 6th floor and He told to submit the card to him too . He text my personal phone :551 227 5319 and He text me from his phone:3473667746 and giving me his email address :Adrian.melendes@nychhc.org. I send the covid vaccine card to his email and take a picture send it to his phone. **Please see Exhibit I**

The respondent response is incorrect on Page 6, Paragraph 3, Line 1-9 Stated:

On October 18, 2021 Desantis submitted an incident report documenting Charging Party failing to properly perform her job duties. Charging Party, who was assigned to Post 4 - Main Building's Entrance/Lobby Area, was allowing staff and patients to enter without identifying who they were [Exhibit G- Hospital Police Statement Form]. As King tried to instruct Charging Party Charging Party walked away from her and stood several feet from the post and continued failing to check anyone. Desantis noted this was an everyday occurrence with Charging Party and that he had, on several occasions, attempted to explain the post responsibilities and job functions but Charging Party failed to correct her behavior. Desantis opined that a return to academy for retraining may be necessary

This statement is incorrect and also this exhibit " [Exhibit G- Hospital Police Statement Form] " not on the position statement file . [Exhibit G- Hospital Police Statement Form] is missing from the respondent response evidence. I did not see Exhibit G- Hospital attach with "Position of Statement" . I already notified Miss. Madeline McGrath through email and phone regarding this missing exhibit.

This incident On October 18, 2022 it's false statement because supervisors and Captain Melendez never mentioned this incident. In my personal file that I didn't check ID is not the truth statement because I always strict and stern about checking ID. In addition I do not have any knowledge of this incident.

See Exhibit A4, Police Memo book. According to my police memo book Sgt Desantes and Detective King Never approached me about I failed "*Charging Party, who was assigned to Post 4 - Main Building's Entrance/Lobby Area, was allowing staff and patients to enter without identifying who they were*".

I have several argumentative confrontations with Detective King but I am not recall which one was the October 18, 2022. (See Exhibit Z)

I saw exhibit Z on my negative performance did not indicated the time and the date the incident occurred. I believed the writer signature was Detective King and Investigating Officers was Sgt Desantes.

On statement of acknowledgment stated on Exhibit Z:

I affirm that all the faces set forth in this document are true, complete and Accurate to the best of my knowledge and belief, the facts that I have provided are mine and were provided without being influenced by any other party. False statement in this documents are punishable as a class A misdemeanor pursuant section 210.45 of the penal law.

This write-up statement was false statement against me because I never notified about this incident what really happened that day and this false accusation against me . I saw this paper but I do not know what is all about because I can't read Sgt Desantes hand writing and also there is no indicated the time and date of the incident.

I never have knowledge of this October 18, 2021 until the respondent mentioned on the position statement and this statement was false statement against me because I did my job task very well especially identifying staff and patients who enter into building. I believed the Hospital Police administration has abusive their police power to create negative performance against my reputation because of my age.

All supervisors never approached me about this matters regarding October 18, 2021 incident. I am not aware this incident was on my file. I saw the incident on my file but there is no date or time of the incident occurred (See Exhibit Z)but I can't read the hand writing Sgt Desantes I do not know what it's all about but now I know when the respondent *response "was allowing staff and patients to enter without identifying who they were"* This the facts of the abusing power of police officer because this statement are false statement against me.

On respondent response regarding SGT Desantes states "*this was an everyday occurrence with charging Party" and that he had, on several occasions, attempted to explain the post responsibilities and job functions but charging party failed to correct his behavior*".

This statement was false statement ,Sgt Desantes never approached me about October 18, 2021 incidents the whole department have knowledge about how stern I am about checking ID for employees. About the patients they can enter without ID because against the law to refuse the patients into building hospitals that's what they told me during training. I did asked the patients if they' have appointments and we let them go. This is what other officers train me and do.

During academy I was told that the officers can lose their job by misuse their police power and lying about statement by saying "this was everyday occurrence" I failed to perform my job duties. I believe

the hospital police administration at midnight tour supervisors have neglected their integrity by creating untruthful and false negative working performance on my file because this statement is not true I know my job task as Police Officer I have to check people ID and identify the individual who enter building.

Captain Melendez never discussed or other supervisors never discuss this matter about October 18, 2022(See exhibit Z) incident to me but I realize the negative evaluation was on my file without time and date indicated so I believed all of this statement because of my age. I believed the Detective King did this to create the negative working performance. I do not remember what happened many time she came to me and she said "this incident will be on my file".

In October, 2021 Captain Melendez never discussed about I failed to check ID at post 4 main Lobby and he called me to his office regarding I walked out from the post because my prayer time and bathroom only and never discussed about I failed to checking ID or patients ID at post 4 main lobby or Incident at October 18, 2021. I check on my police memo book(Exhibit A2) I was working at Post 4 Main Lobby but I did not see any indication that Sgt Desantes emphasizes about to I did not check ID for employee or the patients.

This write-ups I believed was set up by Detective King because Many time she was angry without valid reason. I believed because of my age because she know my age and she told me "it's going to be on your file" but I did not know what I have done wrong because I try my best to performance my job task. Their accusations are false statement against me . I always do my job task and check for employee ID and not letting unauthorized people to enter to the building.

This is not facts but their opinion about me. The facts I always do my job . My poor performance base on their opinion about me. Opinion can be biased base on favoritism and my protected activity(age). I believed all negative performance from Detective King because she told me "It's going to be on your file" for something that I did not know about.

I have recalled many interaction with Detective King this way but I do remember this incident that Supervisor Desantis came he asked me what happened with Detectives King because Detectives king told him to come to post 4 main Lobby and I explained to him about the situation and he said don't worry about it. He did not say he will give the negative performance for this and he said don't worry about it. For this matter I believed Sgt Desantes and Detective King have misuse their police power by giving the false statement about what really happened that day "*was allowing the staff and patients to enter without the identifying who they were*". I always do my job and understand my job task very well and they never came approach me that I failed to check people ID or let unauthorized patients without identifying who they were.

I believed the Detective King do not have respect for me because of my age. Many time she work at central command she did not reply my radio communication, refuse my bathroom, my prayer time, yelling on me in public. Many time she said "this thing is going to be on your file" for something that I do not have knowledge about.

Detective King not supervisors but she work at central command she have access to do things. I try to do my best because no matter I try to do the right thing but I always to be wrong. I was treated differently when I was refuse to see CCTV camera when I lose my jacket at post 2B at the time Detective

King was assigned to Central Command that day when I went to office to filled the 10-57(Report of missing police jacket) with Sgt Desantes I was told to by Sgt Desantes to go to central command office to asked the time when the perpetrator took my jacket. I went to central command and Sgt Blount was there. She is not even looked at me at my face and asked her what the perp took my jacket and she said it was 4 am without seeing on camera(Exhibit A1). She didn't take the 10-57 report seriously by giving me the wrong indicated time incident without seeing the CCTV camera. I was refuse by Sgt Rodriguez and Sgt Blount to see the CCTV camera because I know for sure the perp didn't took my jacket at 0400 because at 0400 I just arrived at post 2B and I believed the incident happened between 0415- 0420 am. They just give me the bad working performance based on their biased towards me because of my age.

One time I told Supervisor Desantes that the Detective king must act professional and not supposed to yell on me in public place. I asked Detective King "why so negative to me" and Detective King called Director of Hospital police Stellas on the scene too. At the time Stelas was at the main lobby and Detective King said to Stellas that "Officer Febrianti said I am so negative" and Stella's said to Detective King "you have right to say whatever you wants to her".(See Exhibit C-17)

One time during roll call Sgt Desantes said to me "Officer Febrianti you failed" Captain Laboy and command officer (Officer Martinez) was laugh so hard and Captain Laboy not able to hold the laugh I was there alone ridicule by them. Captain Laboy not able to speak during roll call and the rollcall was dismiss without Captain Laboy speaking because he keeps laughing with Officer Martinez.

Many time Sgt Laboy told me during roll call that "Mc Donald is hiring", "don't get you attitude here you're on probation". Many time the overtime list was wrong and I kept working mandate for 16 hours in 3 days in a week and I called Sgt Rosado he said he can not change the overtime mandate schedule.

Detective King knew my age before September 24,2021 while I was on training with her at the beginning on August, 2021 and we had encounter at our locker room conversation. She used to be nice with me and one time during locker room conversation she told me that she was 44 years old and she got 4 grand kids and I told her my age range same as her age and I said "me too but I don't have kids" . Since this conversation I saw there's something change on her towards me and she was not longer nice with me anymore. Instead she confronted me "why you do this, "why you do that and many time she said this thing is going to be on your file". All of those incident unfairly to describe what happened.

I believed the respondent is correct maybe Captain Melendez knew my age from Detective King prior September 24,2021 but I started receiving the first write-up from Captain Melendez for walking out the post for bathroom and pray in October,2021 right after I submitted my covid vaccine card which contains my birthday and age to Captain Melendez on September 24, 2021.

The written warning given from Captain Melendez stated that "reported to Department of justice center". He didn't give the copy but He asked me to sign the papers because I walked out from my post. My write-ups did not mentioned that I walked out because I have urges bathroom and need to pray. The write-ups did not indicated that why I walked out my post. Indeed the reason of I walked out my post I need to pray and have bathroom urges.

The department said my performance unsatisfactory but not based on relevant facts. During Academy taught me that this job requires integrity, no drinking, no smoking, not use illegal substances, not

misused the police power. I didn't commit one of this violations but I was told I am not competent for the job for something which is not clear.

I remembered one time Detective King came to Post 4 main lobby she was confronted me because I asked one employee to show her ID and Detective king react and she said why you asked her ID because she came from another side (Post 6 entrance or from 2nd Ave or Emergency Room entrance). I told her that I didn't know she came from another side as long as I know if she wanted to enter post 4 main lobby again, she need to show me the ID again. Detective king was confronted me and I told her I didn't see her when the lady leave the building and Detective king said I should recognize people who leave the building but I can't recognized because people wearing the masked so I can't recognized each individual if they leave building each one of them and they have to show me ID again if they want to enter post 4 main lobby. She reported this incident to Desantis and I explained the situation to Desantis what really happened but I didn't know if this incident was the one on October 18,2021 incident mentioned in adverse on my working performance filed negatively. Detective King and Sgt Desantes has abusing their police power by giving false statement about me. This incidents was false statement and my negative working performance because of my age.

So many time Detective King mentioned something like " this thing it is going to be on your file". For something that's unfairly to describe what really happened.

While Detective King working in central she mentioned I can't go to the bathroom after lunch time. I was eating soup during my lunch hour made me want to go to bathroom. I listened to her by not eating and drinking during my working hours but she give hard time to give me relieve in order to pray too. Usually another officer who working at central command will called another officer on the radio to relieve me but she didn't call anyone. Even though I am really sure the department not busy at all because the radio communication quiet.

I called her again on the phone. She yelled and said " you need to stop harassing people". My prayer time was late 20 mins and this not a first time happened to me when she work on central command I have difficulties relieve for bathroom and prayer. That's why I send email to Captain Melendez but I received negative feedback he said the department not able accommodate the early prayer time all the time.

Respondent response On page 6, Paragraph 4: Line 1-2, continue to Page 7: Line:1-11

Charging Party, throughout her employment with the System, was deficient in her performance as a Special Officer. Charging Party's work performance was evaluated after six months; Charging Party's overall evaluation rating was unsatisfactory [Exhibit H- 11/19/2021 Evaluation]. The Supervisor who completed the evaluation, Rosado, noted that Charging Party, "did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members." [Exhibit H- 11/19/2021 Evaluation]. Rosado said that Charging Party had trouble grasping basic concepts and her performance was well below standards. The evaluation indicated that Charging Party "receives corrective instruction on Hospital Police Standard operating procedure on a daily, weekly and monthly basis by varied supervisors from all shifts as well as senior training supervisors with little signs of information retention"

The negative performance stated that *"her lack of assistance during emergency calls will result in injury to herself or other staff members."* This is not truth statement because I never get injure while on duty and I never had any staff members was injured on my present while I am responding the calls with another officers. In addition, there were another officers while I was responded the call but I am the only one to blame.

One time when I used to work at post 2A Sgt Blount called me at my post and she instructed me to go to psych emergency unit. She didn't called it on the radios for others to come and she called me on the phone at post 2A to go to psych unit alone. I did not hear on the radio Sgt Blount instructed the patrolling post respond to the call because most 10-8 incident (post 8,9,10 also must respond the call). I went inside I was worried because I was alone and BHA was confused too because I came alone. I am so lucky that day I didn't get attack. Not long after that Sgt Rodriguez came. This incident the department might have put my life in danger I might have been attacked by the psych patients because most of the patients they don't like people with Uniforms(police officers). Sgt Blount have to put my life in danger by instructed me to go to psychiatric alone because during academy we were told don't ever go psychiatric unit alone because you might get attacked by them. In this case I believe the department doesn't care of my safety instead they don't like me because of my age because this incident type of harassment because of my age by put my life in danger by instructed me to Psychiatric unit emergency alone.

I learned from Hospital police academy that psych patients do not like police with uniform that's why during academy we were told that we're not allowed to go inside psychiatric facility alone unless we need to see from the glass window if another officer already there or wait for others to come before going inside psych unit and because we might get attacked but I was instructed personally by Sgt Blount to Psych unit alone.

During Academy I learned that we have to work together and do not look the fault of others. I was treated differently because of my age I was instructed to respond the 10-8 incident to psychiatric emergency unit alone by Sgt Blount. Definitely the staff members do not believed in me because I came alone to respond the call. Sgt Blount have violated my safety and staff members because During hospital academy I am not supposed to go inside the psychiatric unit alone because most the psych unit patients they don't like people with uniform.

I supposed to work together with another officers during 10-8 calls with patrolling post officer (Post 8, 9,10)and I learned from academy that always call for back up when you need it but I was treated differently and I was left alone because they believed I am not capable of the job because of my age.

Respondent response stated that *" her lack of assistance during emergency calls will result in injury to herself or other staff members."*

Many time during 10-8 incidents I was told to go back to my post by Sgt Desantes , Sgt Rosado and central command but in Camera CCTV it seems like I did not engaged with 10-8 incidents. I was told to follow instructions about what my field supervisors and Central command want me to do.

They believed I was not qualify because they do not want to work with me because I am not strong enough because of my age.

I believed all of this thing because of my age because many time during roll call they mentioned they need the "strong person" possible . I believed because of my age I am not qualified for the job but in police academy I learned that our job is not to beat up people our job is to make sure to make the environment keep in peace because our title as Peace officers is to escalated the situation using PMCS technique try not to escalate the situation in harm situation(See Exhibit C-16). But Hospital Department believed that the tough one is the best. From my experience I learned that I am dealing the patients with kindness (PMCS) technique much better than using the bouncer technique.

The respondent response mentioned that my performance unsatisfactory but didn't explain why I am not good at. All of those negative evaluation was not the facts but it based on opinion because did not support with the actual incidents.

The department said my performance unsatisfactory but not based on relevant facts. There is no incident to support that statement "*My performance unsatisfactory*". All my negative performance was dated on the same date on May 3, 2021 at 12:03 am(See Exhibit Q)

During Academy taught me that this job requires integrity, no drinking, no smoking, not use illegal substances, not misused the police power. I didn't commit one of this violations but I was told I am not competent for the job for something which is not clear.

They can give me poor performance based on their opinion because of their opinion can be biased because of protected activity (age) but the officer can get terminated must have clear facts why that I am not good. For example if I did substance or abusing police power that is clear facts but not in this negative performance just mentioned I am not good without any support of clear of evidence of incidents.

There's not clear facts that "*her lack of assistance during emergency calls will result in injury to herself or other staff members*". There are no incidents support this statement. I believe all this negative performance unfairly to describe what happened many time I was told to go back to my post while 10-8 incident at post 2B many time by supervisors and central command. It seems like I was "*her lack of assistance during emergency calls will result in injury to herself or other staff members*".

I never directed to response 10-8 incidents while I work at post 4 and I always assign to post 4 main lobby and I never giving opportunity to learn because of my age.

As respondent response that "*Charging Party did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members.*"

This statement is invalid because base on facts I never injury myself while on duty or other staff members. The second facts I always assigned to the same post everyday and I never have rotating job assignment like other new officers who younger than me.

The respondent should clarify which incidents because During Police Academy lecture that We are Police officers we have to stand together not alone.

During Police Academy lecture I learned that the officers will be terminated only if they abused the police power and do illegal activity and absent to come to work every day. I never commit this kind of evaluation. I believed this negative evaluation because of my age.

Respondent response is incorrect on Page 7, line: 9-17 Stated:

It was also noted that Charging Party did not take instructions well, was apprehensive about assisting co-workers and had not assisted co-workers in emergency situations effectively. [Exhibit H- 11/19/2021 Evaluation]. Another component of Charging Party's evaluation was the Department Workplace Violence Competency Documentation completed by Rosado. On September 12, 2021, prior to the date Charging Party allegedly gave her vaccination card to Melendez, Charging Party was rated as Does Not Meet Requirements in multiple separate skill areas including but not limited to: identifies cascade of violent behavior escalation and demonstrates de-escalation techniques on the Department Workplace Violence Competency Documentation [Exhibit H- 11/19/2021 Performance Evaluation]

The respondent response is incorrect I did not know anything about Incident of September 12, 2021 because I was off that day according to my police memo book **(See Exhibit K)**. I received the first negative evaluation in November 2021. Sgt Rosado said that I was fail twice and He asked me to sign this paper. He mentioned people upstairs doesn't like you. He never go over about September 12, 2021. He just said they want to get rid off you. He said people "Upstairs" meaning Human resources and risk management office at 14th floor.

My negative evaluation was open by Human Resources Angela Mullett and Captain Melendez at first before it was open by Sgt Rosado account. **SEE EXHIBIT J**

I never open this negative performance because I already know they discriminated me because of my age from beginning. I always perform my job very well all the negative working performance were because of my protected activity. I always follow the rule and try my best at my working performance.

There are many discrepancies from my negative working performance which inaccurate. Please see **Exhibit L (ANNUAL COMPETENCY-INFANT PROTECTION)**

This negative working performance evaluation is inaccurate because I never done any patrolling post since I was hired. This task was patrolling post assignment. I did finish patrolling post training, but I never assign to any patrolling post.

I always assign to Post 4 Main lobby since the department eliminate post 2B from my working assignment and giving me hard accommodations in order to pray and bathroom and cause the adverse action of constructive discharge on 04/09/2022.

The condition of Post 4 Main lobby always empty because all the clinics are close except 4th floor labor delivery open to public but they give me difficulties to accommodate my prayer time and bathroom since they took post 2B from my assignment in the end of January 2022.

See Exhibit Q, all of this poor performance evaluation did not give any specific date or incident. All the date was written 05/03/2021 at 12:03 am. All the comments based on biased opinion about me and opinion are not facts. For example if the officer have illegal substance while on duty that is the facts but in this case Sgt Rosado, Sgt Desantes said base on their opinion about me. Opinion can not categorize as

facts because everyone opinion was different sometime can be biases because of my protected activity (Age, Sex, Retaliation, religion).

See Exhibit L: Annual Competency Check(See Exhibit C-13 and C-12)

Competency	Date Observed	Pass/Fail/Not Applicable
Officers are...Code Pink Alarm book(see Exhibit K)	09-12-21	Fail : I am off according to police memo
Cancel Code Pink...	09-24-21	Fail: I never did this observation(Exhibit M)
Officer Detain...	10-6-21	Fail: I never did this observation(Exhibit N)
Dispatch officer to investigate	10-18-21	Fail: I never did this observation(Exhibit O)
All officer...IPS area..	10-29-21	Fail: I never did this Observation(Exhibit P)

This statement is false statement . I always work on the same post (post 4 and post 2B and post 2A sometime). This observation was for patrolling post officer. I never assigned to do this code pink alarm. According to my memo book I did not do this observation.

I did not know about Incident on September 12,2021 because according to my police memo book I was off that day. **See Exhibit K**

I believed I was given the negative evaluation because they do not wanted me to grow. I never given the opportunity like new younger employees . I was never assigned to patrolling post and any other rotating job assignment instead I always assigned to post 4 main lobby where I was having the difficulties in order to use the bathroom and pray,

I don't have the same opportunities like other new officers because of my age.

There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021.(**See Exhibit C-14 and C-15**)

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03:30 pm- 12 am) in October 2021 and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age.(**See Exhibit C-13 and Exhibit C-12**)

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. (See Exhibit C-13 and Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me as May 3, 2021 and he already granted the position as Flex schedule officer which only required 3 days a week working schedule for 12 hours shift. Officer Gutierrez transferred to NYPD in or December, 2021. (See Exhibit C-17 and Exhibit C-11)

Officer Smith was younger than me he assigned working at Patrolling post in the beginning of September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from September 2021) (See Exhibit C-13 and Exhibit C-15). But he leave the Department because he got a new job.

Why they assume I have poor my working performance but never assigned me in patrolling post or rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there. In addition they eliminate post 2B in the end of January by giving me unfavorable post(post 4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom accomodation.

I believed I didn't get the same opportunities like other officers to grow and develop in the company. They wanted to me to be failed. I have right to be given the opportunity to learn but they never give me the opportunity instead they just assuming and said I am not qualified because of my age and give me negative working performance without supporting evidence of incident. How I will learn if they never assigned me in rotating working assignment or patrolling post assignments,

They never assigned me patrolling post or other favorable working conditions to accommodate my prayers time and bathroom. In the worst situation when she took post 2B from working assignment. When Detective king on her leave Sgt Rodriguez told me that's why I give you post 2B so you can pray he seems he try to say the Detective King who the one remove post 2B from my assignment.

During academy I was taught that police officers can get terminated if they misuse police power, killing innocent people, lying(not telling the truth about the incident), use illegal substance, smoking, drinking, do illegal activity. In this case I didn't do those illegal activities.

During academy I was told that the officers can lose their job by misuse their police power and lying about statement by saying "this was everyday occurrence" I failed to perform my job duties. I believe the hospital police administration at midnight tour have neglected their integrity by creating untruthful and false statement about me and cause negative working performance on my file and cause the adverse action employment reputation on my file.

I believe all those negative evaluation based on their opinion not base on facts. Sgt Rosado and Sgt Desantes did not stated which incidents I was not good at and in Islam accusation must have 4 witnesses to be valid. The CCTV can be deceptive because many time during 10-8 while I was assigned at post 2B I was instructed to leave the scene to go back to my post and Sgt Desantes or Sgt Rosado or central command instructed me (the field supervisor) to go back to my post.

One time during 10-8 incidents at post 2B I was commanded by Sgt Desantes and central command (Officer Martinez) to perform unlock the morgue in the basement to relieve the dead body to OCME. This is not part of my task because I was assigned to post 2B. This task supposed to be assigned to patrolling post who suppose to perform unlock is the part of their job assignment. In this case in the camera it seems like I leave the scene of 10-8 incidents but I was instructed to do it because In Hospital Police Department I have to follows what central command do and not do.

One time during 10-8 at post 2B I was told by Sgt Rosado to go upstairs to 8th floor police headquarters to pick up the face shield. In this case I look bad in camera CCTV but the facts I Just follow what they instructed me to do.

One time at the ER unit during the interaction with the patient who refuse to leave during the discharge Sgt Rosado said "Officer Febrianti step back" Sgt Rosado wanted me to stay in the back at the time I did not know why I thought he just try to be nice and let senior officers to be in the front.

Notably, Rosado was not the supervisor who charging party allegedly gave her vaccine card to revealing her age and birthdate

See Exhibit J: Captain Melendez the one who creating the negative performance file and send the file to Associated Director of Human Resources (Angela Mulett) and Sgt Anibal Rosado(Supervisor Tour 1).

Sgt Rosado, Captain Melendez and Captain Laboy are working on the same roof they can talk each other about my age and how to create things to make a negative working performance because of my age.

The respondent response is incorrect on Page 7, Paragraph:1 Line:1-5 Stated:

Charging Party's performance issues did not improve after her first evaluation. A second evaluation was drafted by Rosado for the time period of May 3, 2021- May 2, 2022 but this evaluation was not signed [Exhibit I- Second Performance Evaluation]. Charging Party's overall rating was again unsatisfactory and as the justification for the overall evaluation Rosado

This statement is incorrect I never received the second evaluation but I was told by Sgt Rosado I was fail twice when I was given the negative evaluation in November 2021 By Sgt Rosado and Sgt Laboy. I believed my negative working performance was erase on the night of 04/09/2022 because Sgt Rodriguez and Captain Laboy request me to log in to my employee account using the supervisors computers at roll call office. I did not see any negative performance on my file which I received on November 2021. I believed Sgt Rodriguez deleted the file in the night of 04/09/2022 but Sgt Laboy give me the copy on November, 2021 but I left it on my locker. On 04/09/2022 I realize my working performance was empty and I am not able to print it because the file not longer there.

On 04/11/2022 I went to my locker to collect my negative performance copy which I received on November, 2021 from Captain Laboy and Officer Rosado. Officer Gomes was officer on duty that day at M-3 she came to the locker room and she was watching me putting the paperwork in my tote bag.

I never received and asked by any supervisors to sign the second evaluation from any supervisors since November, 2021.

Respondent response at Page:7, Paragraph 2: Line: 1-7 Stated:

Officer Febrianti has not met the criteria of an effective Hospital Police Officer.

Officer Febrianti lack of knowledge with regards to proper actions to take in emergency scenarios have left her co-workers concerned for her well being as well as there [sic] own. Off Tour supervisors have concluded that Officer Febrantis' [sic] lack of knowledge with the duties & responsibilities of a Hospital Police officer is apparent and a detriment to anyone depending on her assistance on a day to day basis

I believe all my negative poor performance was created because of my age because all I was doing I just followed instructions from supervisors and central command on the radio told me to do and it looks bad on camera it seems like I was not engaged with 10-08 incidents, cause harm to and put my coworkers life in danger, etc Many time I was told on the radio by central command or supervisors to go back to my post.

This unfairly to describe what really happened. When I used to work at post 2B, Many time I was instructed by supervisors (Sgt Rosado, Sgt Desantes) and sometime Officer Martinez to go back to my post during 10-08 call.

I was told by supervisors to go back to my post and sometimes they told me to go lunch early while we were having 10-08 incidents.

As per my role as hospital police my task was limited to what supervisors instructed me to do. Sometimes I was told verbally by supervisors on duty "officer Febrianti step back" during 10-8 incidents and he said "let the Officer Munro stay in the front". Most of the midnight shift officer were male. There is one female who younger than me (Officer Carreras) who work at Flex schedule (3 days a week :12 shift schedule) work overnight but she worked at patrolling post most of the time. My performance was look bad in camera but in real life I was told to do so by supervisors and central command.

I believed all of this thing because of my age because many time during roll call they mentioned they need the "strong person" possible . I believed because of my age I am not qualified for the job but in police academy I learned that our job is not to beat up people our job is to make sure to make the environment keep in peace because our title as Peace officers is to escalated the situation using PMCS technique try not to escalate the situation to cause harm to people.

Now I understand why they give poor performance because I was told to act like that and I look bad in camera. Camera can't be deceptive because I was following instructions what supervisors , central command asked me to do or senior officers asked me to do and it seems like I am not engaging with the situation.

One time when I used to work in post 2B there was combative patient in Emergency room I was told by Sgt Desantes and Central Command(Officer Martinez)to leave the scene and go the basement to unlock the morgue to relieve the dead body to OCME but this tasked it's not part of my post duty this job it's part of patrolling post duty to do unlock. In this case I looked bad on camera it seems I leave the scene of my 10-08 incident but the fact I was instructed by Sgt Desantes to do so.

One time when I used to work at post 2B I was told by Sgt Desantes that BHA(provide basic care at psychiatric unit) supposed escorted the discharge patient from psychiatric emergency to main lobby. He said this is not our job to escort the psych patient to post 4 main lobby because Hospital Police duties only if they called us. He told me our job is to do 10-08 if they called us. I am not sure if this incident was on my file because I have negative performance for something the supervisors or central command asked me to do.

On October 18, 2022 incident I am not sure which incident. I was having many incidents with Detectives king when she confronted me about something I was didn't know about. One time she came to post 4 main lobby and she was angry and move and shake the podium and bang her palm on the desk on the desk and asked why this person on mental health building. I told her I don't know because I was sitting on post 4 main lobby and I didn't see anyone passing by post 4 Main lobby and she told me "this thing is going to be on your file".

Respondent response at Page:7, Paragraph 2: Line: 1-7 Stated:

Charging Party's allegation that she "received negative comments about her work performance" is accurate however, the reason for the comments was not as a result of her age as she alleged. The negative comments were because Charging Party failed to adequately perform in her role as a Hospital Police Officer as evidenced by performance evaluations and incident reports. Her work performance was so deficient that the department recommended termination. On April 12, 2022 the System mailed Charging Party a letter terminating her employment due to her failure to pass probation [Exhibit J-Termination Letter]

This statement is incorrect I believed all the negative evaluation because my age because all the accusation not based on facts but instead I was told by the field supervisors on duty (Sgt Desantes and Sgt Rosado) and Central Command to go back to my post or do something else during 10-08 incidents. My performance look unprofessional on camera CCTV but the facts the Hospital Police Department who create the situation and instructed to comeback to my post and It seems like I am not engaging with job tasks and helping my colleague. I believed all this accusation because of my age.

I don't have the same opportunities like other officers because of my age. I believe my age cause this accusation against my poor performance because they're new officers but they're already working in rotating job assignment within one months since they worked there but I was left behind and police administration have to put me in undesirable working conditions because of my age.

The respondent mentioned that the reason I was assigned to post 4 Main lobby because of I am new but There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy.

There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021.

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03 pm.to 12 am) in or on October 2021 (See Exhibit C-13 and Exhibit C-12) and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age.

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. (See Exhibit C-13 and Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me as and he already granted the position as Flex schedule officer which only required 3 days a week working schedule for 12 hours shift. Officer Gutierrez transferred to NYPD in or December, 2021. (See Exhibit C-17 and C-11)

Officer Smith was younger than me he assigned working at Patrolling post in the beginning at September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from September 2021. But he leave the Department because he got a new job. (See Exhibit C-13 and Exhibit C-15)

Officer Sultana, Officer Martinez, Officer Gomez are new employees at Metropolitan Hospital and they are younger than me .They started working at Metropolitan Hospital In December, 2021. they lower seniority than me but they already assigned for patrolling post and work in different post. They treat me differently because of my age I was given unfavorable post 4 which is very hard for me for bathroom and prayer accommodation. (Exhibit C-10)

I am strongly believed the age discrimination involved with my allegations. During roll call briefing many time Sgt Rodriguez said we need the strongest person possible. I believed because of my age they believed I am not strong enough to be the officer.

In addition I believe age discrimination involved too because I requested to work for morning shift to Captain Melendez and he said he has enough female officers working in the morning.

But after the incident I found out he place new younger officer who recently just graduated from academy. P.O Sultana(22 yrs old officer) to work for morning shift. (See Exhibit C-10)

Why they assume I have poor my working performance about patrolling post (See Exhibit L) but never assigned me in patrolling post. I never done this observation before "HP Emergency for The Code Pink", "Cancel a code A Pink", "Abductor until alarm corrected", "investigate the alarm", "IPS Area" are patrolling post assignment.

I always to assign to post 4 and I never have the opportunity like other officers to work on rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there. In addition they eliminate post 2B in the end of January by giving me unfavorable post(post4 main lobby)

this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom.

VII. Respondent Refuse to hire the Charging Party to any acts of retaliation and Discrimination because Her protected activity status of filling the lawsuit with her former Employer

The respondent response on page 7, Paragraph 4: Line1-3 continued to page:8, Line:1 stated:

Charging asserts that she informed the System of a discrimination lawsuit against her former employer when she was interviewed for the role of Special Officer in April 2021, prior to being hired for the Special Officer position. Charging Party does not reveal who she allegedly provided this information to and the System is unaware of any such disclosure

Please see Exhibit R. I did the psychological virtual testing appointment was on Saturday, April17, 2021. I was interviewed by Chinese or Korean I am not sure his nationality and I am not recall his name. He asked me question about "Do you ever have any court proceeding" and I said "yes I have discrimination lawsuit against my former employer in 2015". I did written psychological on Thursday, April 15,2021.

The respondent response on page 8, Paragraph 4: Line1-3 continued to page:8, Line:1 stated:

Charging Party also states that she met an unidentified person who took the Hospital Care Investigator (HCI) civil service exam and was number 586 on the list for the HCI applicant pool. Charging Party claims her own list number was 604. Charging Party states this unidentified person was hired in March 2022 and believes she should have been called from the list for the HCI role March or April 2022 but was not because she disclosed her pending discrimination lawsuit against a former employer.

See Exhibit B1, Exhibit C-1, Exhibit C-2, Exhibit C-3, Exhibit C-4, Exhibit C-5, Exhibit A3. I meet this individual on March 4,2022 when I was told by Captain Laboy states to go to OHS 6th floor to clear some medical clearances. I was told I will be off duty if I did not come. I met this lady on the OHS office, I believe her last name Mahmuda and she said that she was here for medical clearance for Hospital Care Investigator position, and she show me the paper with her job offer with her address on it. She told me she received notification in email and mail about the job offer. She said her list number was higher than me and She said I will be received the job offer soon in mail and email. But I never received any job offer in email or mail.

Charging Party alleges that not being called from the HCI list was an act of retaliation for having engaged in the protected activity of filing a discrimination suit against her former employer.

The respondent refuse to hire me because my protected activity. I never receive anything in mail or email regarding I was offer for the job. When I was offer the job as special officer I received the offer to the mail and email but for Hospital Care Investigator position I did not received anything on the mail for the job offer. See job offer example Exhibit S

The respondent response on Page 8, Paragraph: 1 Stated:

Even as alleged by Charging Party the System hired her after she allegedly disclosed her pending discrimination lawsuit against her former employer disputing any claim of retaliation. In regards to the HCI role, an HCI applicant pool was held on February 17, 2022. Applicants who attend the pool are interviewed on site for the position for which they were invited to interview. Charging Party was invited to the February 17, 2022 11:00 AM HCI applicant pool via email on February 3, 2022 using Charging Party's self-provided email address [Exhibit K- Applicant Pool Interview Invitation]. Charging Party failed to report to the pool and thereafter did not request to be restored to the HCI list. To date Charging Party has not contacted the System about restoration to the HCI applicant pool. Charging Party's failure to report to the pool and failure to contact the System regarding the HCI pool invitation has precluded Charging Party from further HCI pool invitations. The circumstances surrounding the HCI role do not support Charging Party's claims of retaliation

I did not received the letter in the mail or email of this position. I never received the letter invitation like special officer positions(Exhibit S) that I was offer the job for this position. I never received email notifications and letter In the mail that I was offer for this job. See the example job offer while I was offer the position as Special Officer as Hospital Police Exhibit S.

The procedure of DCAS regarding Hospital Care Investigator positions. The respondent supposed to send me a letter in mail and email regarding my list was up with my address written on the paper . I need the letter invitation in mail and email with my name, address, email address. This applicant poll not walk-in poll. I have to provide the letter from NYC Health + Hospitals invitation letter appointment to show the security guard at 55 water street, New York, NY if I need to enter to the building.

The respondent stated that I was notified by email for the applicant poll but I did not received anything on the mail or email. The respondent did not want offer me the job because of my protected activity class because I filled the lawsuit against my former employer when I was interview during psychological Virtual testing appointment for Special officer. I believed NYC Health + Hospital did not want hire me because I disclosed my discrimination lawsuit against my former employer during Psychological virtual interviewed(See Exhibit R) for Special Officer position Saturday April 17,2021. I do not recall his name but I believe he is Korean or Chinese.

Conclusion

I believe the respondent has violated title VII employment discrimination base on my gender as woman and my religion as Muslim, retaliation, Age.

I believed the respondent has giving more the opportunities to new younger officer because the new officers already assigned to patrolling post and rotating job assignment within one months. I have been working there almost a year but on respondent statement stated the reason I was assigned at post 4 because I was a new officer but there are new younger officer already got the opportunity to grow and develop to the company and working at patrolling post and rotating job assignment.

I believed my age is the cause of this unfair working condition because I reveal my age to Detective King during my training on midnight shift tour 1 and I saw the drastic changes on her behavior towards me. At the time she was just regular police officers but when she got the position at Central Command, she got the power at the department. Many time she told me "it's going to be on your file" for something I did not know about.

The respondent response is incorrect on Page 8, Paragraph 3; Line 1-6 Stated:

The System accommodated Charging Party's religious accommodation request to the extent operationally permissible. Charging Party's expectation of immediate relief upon request was not feasible or reasonable given Charging Party's role as a special officer and the obligations of the Hospital Police department. The department was required to respond to exigent circumstances that were unpredictable and that response could not be abandoned to ensure Charging Party was provided post relief on request.

The respondent statement is incorrect because the incident of 10-08 happened half hour ago at 0424 am and I leave my post in order to pray at 0458 am in safe condition without undue hardship of the employer. I called central command(Officer Jones) that I need to pray and I need to walk out my post because I already notified the hospital administration that I need to permission to walk out if nobody relieved to pray. Central Command(Officer Jones) stated that Officer Chapagain on his way to post 4 main lobby and this is not cause undue hardship of the employer.

The condition of Post 4 Main lobby always safe and clear because all the clinics are close except 4th floor labor delivery open to public. The respondent stated that "the system" was "extent operationally permissible" but I did not witness any disturbance on my post 4 main lobby. This is not the facts they said" the system" was busy but the condition not busy because the facts my post was safe and clear without undue hardship of the employer.

Respondents said I can not pray because the system is busy was false statement because my post was safe and without undue hardship of the employer. I didn't witness any disturbance or critical condition on my post. This always become the pattern but on 04/09/2022 this incident was different we have more officers than usual we have post 7 which is not happened very often.

I believed they created this incident because the hospital administration knew that I will walked out the post during my prayer time that's why we have more officers that night to cover me in case they will let me go on my prayer time to cover my post.

Detective king not supervisor but she works at central command desk so she have power to do things. The situation getting worst when I filled the complaint about her because the whole department now against me.

After Detective king comeback to the office is not possible for me to work there because they really do not want to accommodate my prayer time and this is become the pattern when they said they're busy but I didn't witness any of disturbance or critical in my post 4 main lobby or anywhere else. I can't work there if I don't give permission to pray. Allah command to pray is above all other command in this

world. This is my religious beliefs obligations when the time to pray I have to be facing mecca to pray and said this word in Arabic:

Verify, I have turned face towards him, who created heaven and the earth. Worshipping none but Allah alone and I am not the idolaters. Verify my prayer, my sacrifice, my living and my dying for Allah, the lord of the all that exists. He has no partner and of this I have been commanded and I am the one of the Muslims.

When Sgt Rodriguez asked me this job is not for you "you have to choose God or a job is the infringement my religious beliefs because in Islam I have to love Allah first, Prophet Muhammad second, my mother third, my mother the fourth, my mother again the fifth , my father the sixth and other than this (job is option no.7). Sgt Rodriguez asked me questions leading me to my discharge because I have to choose Allah first above all because if I choose job first I become disbelievers meaning choose job as God.

In Islam "the word" in Arabic we called "Kalimah" is can lead you to the hellfire. In Arabic we called "Shahadah "mentioned how power is the word. People become the Muslim must recite the word "Shahadah" meaning testimony of faith is an Islamic creed declaring belief in the oneness of God and Muhammad as God prophet. Sgt Rodriguez asked me to choose God or job is extremely serious challenge me about the declaration of my faith. I have to say " Allah first" and I can not say "Job" first because I will become disbelievers. That's why I keep declaring my faith to him when I said today and tomorrow are the same "Allah first". Especially it was happened during the Fajr prayer time meaning during dawn. In Islam morning prayer is more important because this prayer always witness by 2 different angel who in turn who records our deeds during the day and during the night. My conversation with Sgt Rodriguez happened during Fajr Prayer where the angels hear my declarations "Allah first".

Sgt Rodriguez said "this job not for you", " you have to choose between God or Job" , "you have to clock out at 05 am today and comeback tomorrow if I choose "job first" and I told him today and tomorrow are the same I choose "Allah first" I give my shield, ID, Key, Radio and bulletproof vest.

The department not too busy but My religion just not a high enough priority to them. It's not life and death situation in post 4 main Lobby or anywhere else. My post was safe and clear and Allah is my witness there is no life and death situation or critical condition.

In addition "10-8 " Incidents when the psych patient refuses the medication is not critical. The procedure of psych patients before they entered to the facility, they were strip their personal belongings. They only allowed to have hospital gown, no cellphone or anything else. This 10-08 happened half hour ago at 0424 am but when I leave my post at 0458 am when all the condition are safe and clear and does not considered very critical condition as respondent mentioned " the system" not the condition because the condition was safe and clear in hospital police Department.

The most important thing is I leave my post to pray in safe condition without undue hardship of the employer.

The respondent response is incorrect on Page 8, Paragraph 3; Line 6-9 Stated:

In addition, as described above, Charging Party's work performance was deficient; there are numerous business records including two performance evaluations, an incident report and statements made by Charging Party herself as evidence of her deficient work performance

The respondent statement is incorrect. My negative performance based on their opinion not facts because all the accusations are not supported with the incident but based about what they feel about me . All my negative performance are false statement because Sgt Rosado said to me "people upstairs don't like you" He did not mentioned Why I am not good and go over what I have done because I never done nothing wrong. I always follow the rule and do my job task. All the accusation of my negative performance are false statement because of my age.

The negative performance said my lack performance will injure myself and other staff members are not truth statement based on their opinion because I never injured at work and there was no incident that the staff members was injured during my present.

The negative performance opinion did not support with the actual incident with time and date of the incident. All the negative performance was dated on 05/03/2021 at 12:03 am see Exhibit Q.

I believe the CCTV can be deceptive because CCTV can not hear the conversation on the radio and supervisors when they told me to leave the scene or back to my post during 10-08 incident and cause me negative performance from my supervisors and central command officer. But this is what they(Supervisors and central command) instructed me to do and cause my negative working performance at my workplace.

In addition I can give the facts that negative performance is incorrect because I can prove from my police memo book. I didn't do this observation. See Exhibit L

My police memo book indicates that I was off on 09-12-2021(see Exhibit K) this date indicated and I never conducted the observation but my negative working performance indicated I was fail is false statement. Many time I was always accuse for something I did not know about and Detective King told many time " it will be on your file".

That's why I did not bother to read my negative performance because I knew they do not like me because of my age already.

I can prove that I never place working on patrolling post or rotating job assignment. See Exhibit T My Police operations memo book.

For this reason, I believed that my negative working performance was premeditated or made up by Hospital police operations because my age.

The police memo book indicates that on 09-12, 2021 I was off on this date(Please see Exhibit K).

The police memo book indicates that on 09-24, 2021 I was assigned at post 2B(Please see Exhibit M).

The police memo book indicates that on 10-06 2021 I was assigned at post 4 main lobby (Please see Exhibit N).

The police memo book indicates that on 10-18, 2021 I was assigned at post 4 main lobby(Please see Exhibit O).

The police memo book indicates that on 10-29, 2021 I was assigned at post 4 main lobby(Please see Exhibit P).

I believe my right as woman was violated when Captain Padilla told Detective Santa lay to fix my belt and I was forced to wear tight belt against my will because I will never put my belt so tight like that because I have baby inside but I need a job but I believed they have knowledge of my pregnancy because the note has a picture of pregnant woman in heading note and have the name of the clinic "Healthcare for Women OB Gyn".

I told Dr Wilby about my intentions getting pregnant but Dr Wilby did not give me accommodation to my intentions instead she said if you didn't take MMR vaccine you're not getting a job but I am really need this job and I put all my effort to it. So I believed my intentions to be pregnant is the contingency of the employment at NYC Health+ Hospitals.

I was told Dr Wilby I can't get pregnant within 3 months is considered violation of my rights as woman. In this case my employer give my intention to get pregnant as contingency of employment condition. I told Dr Willby I was expecting to be pregnant and Dr Wilby did not find any effort to accommodate my intention to be pregnant instead she told me "you can't get pregnant for this job within 3 month or you can't get a job if you did not take the vaccine. Instead I was force the take the MMR vaccine against my will in order to get a job.

My rights as woman was violated when I am not freely allowing me to use the bathroom because as woman we have a monthly sickness(menstruation), during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition woman condition during period have to changed the menstrual pads in every 2 hours when we have heavy flows and not changing the pads will cause infections .

My rights as woman was violated when The respondent statement stated that it is part of "Hospital Security Uniform regulation" but "tightening the belt" and having the belt are 2 different things.

Captain Padilla instructed Detective Santa Lay to tightening the belt after received the doctors note with a picture of pregnant woman on the heading note is the facts why he wanted me to have miscarriages. My rights as woman had been violated because I believed it's illegal for the employer to force me to confess of my pregnancy Instead there were another police candidates(Miss Minor, Roberson, Hibbler) who have a big belly but they were not force to tightening their belt and I believed I was targeted because their knowledge of my pregnancy.

I believe my right as woman is violated when I was told to tightening my belt because tightening the belt for woman is illegal because the woman might have bearing a child or pregnant.

In addition another police candidates(Minor, Robinson, heider)who were have chubby belly was not told to tightening their belt . The Detective Santa lay was instructed by Captain Padilla to adjusted my belt and it was too tight and when I go back to classroom and when I am sitting it's more congested and tight.

My rights have been violated as woman and I am strongly believed Officer Padilla have knowledge of my pregnancy because the letter stated the provider name " Health Care for All Women OB-GYN" and the doctors note have the header note pictures of pregnant woman.

In addition, during police academy lectures I was told that the police department able to retrieve the medical records without authorization of the employees consent. I believed Captain Padilla have knowledge of my pregnancy.

In addition, I believed They did not allow me accommodate me for the bathroom can be the type harassment because of my age too I was feeling my working environment like jail to me because bathroom and prayer are connected.

The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination because we must do ablutions before we pray we have to relief any bathroom urges and this ablutions is a must or my prayer is invalid. In Islam we have to follow the Qur'an and Hadith.

According to Hadith Prophet Muhammad SAW stated:

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allaah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate."
(Narrated by Muslim in his Saheeh).

SINCERELY YOURS,

A handwritten signature in black ink, appearing to read 'Erica Febrianti', with a long vertical line extending downwards from the bottom of the signature.

ERICA FEBRIANTI

RECEIVED

JOINT LETTER OF OPPOSITION MOTION TO DISMISSACTIVITY IN CASE 1:23 CV-06175 JLR FEBRIANTI V. NYC Health&Hospitals

2025 JAN -6 PM 11:57

US DISTRICT COURT SDNY

On May 30, 2023 I was notified over the phone by EEOC investigator, Henry Elmore and his supervisor that my case was closed and I have rights to sue within 90 days in Federal or State Court. (See Exhibit L-1)

SEE ORIGINAL EEOC COMPLAINT(SEE EXHIBIT S-4)

SEE ORIGINAL EEOC POSITION STATEMENT FROM RESPONDENT(SEE EXHIBIT S-5)

SEE ORIGINAL REBUTTAL STATEMENT REVISION AFTER ADDING EXHIBIT AND CORRECTION OF TYPO ERROR(SEE EXHIBIT S-6)

On May 30, 2023 EEOC investigator supervisor said on the phone that all my case based on sex as woman, Age and retaliation was time barred(untimely), Bathroom not considered discrimination under ADEA and he said he only investigated religious discrimination only.

I believed all my discriminations charge based on Age, Retaliation, woman were within the time frame of "Probationary period"(May 3, 2021—04/12/2022)

According to (SEE EXHIBIT L-4) (LETTER OF TERMINATION) that my employment was terminated because "You have not satisfactorily completed the probationary period".

Bathroom should considered the discrimination base on my age, religion and sex as woman. In my complaint I believed the denied the bathroom considered discrimination base on my gender as woman because during period women have to change the pads and have natural urges going to the bathroom . Also, if I didn't change the pads during my menstruation for too long can cause infection, ADEA as type harassment because if I hold the bathroom for hours made me not able to go again and my stomach pain for many days. On my religious belief where there is hadith stated that is not permissible for person to start praying when he is resisting the urge to urinate or defecate.

The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination too because we must do ablutions with water before we pray and this ablution is a must or my prayer is invalid. In addition we can not pray and hold the bathroom urges because the Hadith Prophet SAW said:

The hadith Prophet Muhammad SAW mentioned:

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu(Ablution)', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon

him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

I believed denied the bathroom can be type harassment under ADEA because holding the bathroom urges for too long made me not able to go anymore and made me feel constipated for many days and it's very painful, Especially during periods I have bathroom urges even more and sometimes I didn't provide the relief for the bathroom and my stomach pain for so many days. I am refrain myself to eat or drink because will make me urges to go to the bathroom during my working hours.

See Exhibit L-3 I discharge on 04/09/2022 based on religious belief discrimination

See Exhibit L-4 The court should overrule the time barred because I received the official termination letter stated that :

Please advised that you have not satisfactorily completed your probationary period therefore services as a Special Officer in the Hospital Police Department at NYC Health+Hospitals/Metropolitan are hereby terminated effective close to business today, April 12,2022

The court should overrule time barred because all my discrimination case was on time frame of "Probationary Period". The letter said I am not satisfactorily completed "Probationary period" should include all my allegation of discrimination which occurred on time frame of "probationary period".

Probationary Period : May 3,2021---April 12,2022

Contingent Period; April 17,2021---May 2, 2021(Terms & Conditions of Employment)

Probationary Period include Contingent period of employment(**See Exhibit X**) because Probationary period not independent period, I must to pass the contingent period in order to enter the Probationary period.

(See Exhibit L-5) My Original EEOC Submission Initial Inquiry dated on : **04/13/2022**. My Phone Schedule Interview: **07/07/2022** after I made interview with the EEO officer representative from NYC Health +Hospitals.

See Exhibit V EEO Officer from NYC Health+Hospitals cut me off when I try to explain about the incident on 04/09/2022 When I said "I leave my post without undue hardship of the employer" Before this statement he said "and", "and" and I arrived in the sentences of "I leave my post without undue hardship of the employer", he shut me off by saying "Sst..sst.." he did not let me finish. In here I decided not to go further because I have limited to say. In prior conversation he was asked me to yes or no question only to misleading the facts I am trying to say. I am not able to made another allegations because I don't have free opportunity to speak freely and I believed Steven Strauss have conflict interest with the respondent. He said he will called me back and asked me to filled out bathroom accommodation and discrimination forms but I need permission to walked out from my post if nobody relief to pray. because I don't think he will conducted the investigation in a good faith and In addition there was time frame to filled the charge with EEOC. I filled the complaints to EEOC portal on the same day on April 13, 2022 at 3 pm (**See Exhibit Y**).

It is not my fault if my submission of my EEOC filing process was causing my case untimely because EEOC at the time did not accept any walk-in complaint due covid social distancing procedure The EEOC work remotely on April 2022 .

Also the EEOC interviews slot the earliest date available was July 07, 2022(See Exhibit L-5) there was delayed to request the interview slot. I have to wait for almost 3 months in order to be interviewed by the EEOC investigator.

My Civil Service Hospital Care Investigator List : 604 establish on December 27,2021(See Exhibit L-2). EEOC supposed to use the date of discrimination based between February -April 09,2022 stated that the respondent said on the position statement that they sent the Job Offer to my email but I never received it. But DCAS procedure for the city jobs the respondent must sent the notification in mail and email but I never received it.

The court should asked the CCTV of Midnight shift restricted post 4 Main lobby on 04/09/2022 at 0458 am when I leave my post without undue hardship of the employer. My post was safe and clear. The respondent must accommodate my prayer time according to supreme court dissent. The Undue Hardship must have substantial cost to the operation and loss deficiency of the operation. None of this apply to the respondent because I leave my post in safe condition without undue hardship to the employer.

Retaliation Discrimination

EEOC investigator supervisor said on the phone on May 30, 2023 all my case was untimely except Religious discrimination only and he said he only investigated religious discrimination only.

On Friday, June 2, 2023 I called EEOC investigator Henry Elmore to clarify further more regarding my retaliation case he said that my retaliation case was dismissed because the retaliation is for someone who filled the complaint or made the complaint to the employer about discrimination. But I did filled the internal complaint Against Detective King and Sgt Rodriguez (Tour 1 Commander) regarding to religious discrimination on February 25, 2022 and March 27,2022, and April 07, 2022(See Exhibit A, Exhibit B, Exhibit G, Exhibit F, Exhibit N-2).

I am strongly believed my internal religious discrimination complaint to Captain Melendez and hospital administration(SEE EXHIBIT A, EXHIBIT B, EXHIBIT G, EXHIBIT F, EXHIBIT N-2) All this events between February 25- April 09-2022 have strongest connection why the respondent not willing to hired me even more as Hospital Care Investigator at NYC Health +Hospitals list :604(See Exhibit L-2) because in this time frame I supposed to received in the mail or email regarding this position. I never received anything in the mail and email regarding this position.

The respondent refuse to hire me as Hospital Care Investigator List:604 because of my protected activity of filling the internal religious complaint and protected activity class such as filling the internal religious complaint to Captain Melendez on February 25, 2022(Exhibit A),March 27, 2022(Exhibit B), March 28,2022(Exhibit G), March 29, 2022(Exhibit C)April 07,2022(Exhibit N-2, Exhibit F).

Also, During Virtual Psychological interviews for Special Officer position(See Exhibit R) I was asked the challenging question " Do you have any court proceeding" I said Yes I have a discrimination lawsuit

against my former employer in 2015 which I believe the respondent not willing to hired me as Hospital care Investigator List: 604 because of my protected activity.

Timeline Discrimination Base on Woman, Age, Retaliation should be started on 04/12/22

I believed the timeline of my discrimination based on woman, age, retaliation should be counted from 04/12/2022 (**See Exhibit L-4**) Because on this date I was suffered the constructive discharge and adverse employment actions.

Discharge based on Religious Belief On 04/09/2022(**See Exhibit L-3**)

Officially Terminated through Certified Mail dated on 04/12/2022(**See Exhibit L-4**)

Probationary period: 05/03/2021---04/12/2022(**See Exhibit L-4**)

Contingent Period: 04/17/2021---05/02/2021(**See Exhibit X**)

The court should overrule time barred because this is ongoing discrimination and the probationary period(**Exhibit L-4**) include contingent period (**Exhibit X**)can not be separate because they are connected each other.

The court should see the root cause of **probationary period** Includes my unfair negative working performance(**Age Discrimination**), Unfair working assignment(**age discrimination**) and **Contingent period** of Employment(**discrimination based on woman**), retaliation(**Refuse to hire as Hospital Care Investigator, List # 604 because I Filling religious internal complaint between 02/25/2022(Exhibit A), 03/27/2022(See Exhibit B), SEE EXHIBIT G, 04/07/2022(SEE EXHIBIT N-2, Exhibit C, Exhibit F).**

All of this discrimination occurred on time frame on "Probationary period" time frame.

Probationary period and Contingent period are connected each other should be investigated under one umbrella of discrimination date 04/12/2022 on the day I was officially discharged and suffered adverse employment actions.

Contingent Period includes physical examination, additional background checks to start Special Officer Academy.

According to respondent position statement I was officially terminated from employment because I did not satisfactorily completed my probationary period i.e(**See Exhibit L-3**) ,(**See Exhibit L-4**) Meaning should include the contingent period of employment too.

Probationary period(Age, Retaliation, Woman) and Contingent period(woman) was under one umbrella of discharge discrimination date (04-12-2022). Except for my religious discrimination I was discharged on 04/09/2022.

My ongoing unfair working condition(**See Exhibit T, Hospital Police memo book**) stated when I never have rotation working assignment at patrolling post(Post 8, Post 9, Post 10).

I was assigned to midnight shift restricted post 4 permanently in the end of January 2022 when unrestricted post 2B was taken away from assignment. I received unfair negative working performance(**EXHIBIT Q**), denied bathroom, verbal harassment ,etc. also part of "probationary period" because of my age Since October 2021-04/09/2022.

I have unfair working condition when I was place at midnight shift restricted post 4 main lobby with difficult accommodation for bathroom and pray on time.

The letter stated: **SEE EXHIBIT L-4**

Please be advised that you have not satisfactorily completed your probationary period. Therefore, Your services as a Special Officer in the Hospital Police Department at NYC Health+Hospitals/Metropolitan are hereby terminated effective close of business today, April 12,2022

Also, I underline "**Your probationary period**"(**SEE Exhibit L-4**) meaning the sub terms or include of **the contingent period**(**SEE Exhibit X**) step of the terms of conditions of employment.

I must pass **the contingent** employment terms(**See Exhibit X**) in order to reach the **probationary period**(**See exhibit L-4**).

The letter stated:

This appointment is contingent upon satisfactory compliance with NYC Health+Hospitals terms and conditions of Appointment & Employment. Such terms include Pre-Employment Physical Examination and additional background checks....to start the Special Officer Academy

I must pass the terms and conditions **contingent period**(**See Exhibit X**) upon completion of physical examination, background checks and entering of Hospital police Academy is part of **probationary periods**.

In this case I must pass the terms and conditions of **contingency period** employment first in order to be the next level of employment under "**Probationary period**".

Meaning the "**Probationary period**"(**Exhibit L-4**) of the employment it's the sub of the terms and conditions of "**Contingent**"(**See Exhibit X**)employment terms.

Meaning **the probationary period** level terms and conditions will not exist without the completion of **Contingent period terms and conditions of employment**(**Exhibit X**), which I believed if I was terminated base on The probationary period(**Exhibit L-4**) must include the contingent(**Exhibit X**) terms and conditions of employment because this 2 employment periods was connected each other.

Probationary period not independent variables because without Contingent period, Probationary period not exist. For this matter I hope the court will overrule the time barred due to this 2 employment connected each other and can not be separated because their connected entity.

Physical examination of under **contingent period** terms and conditions(**See Exhibit X**) include the 2 MMR Vaccine requirement and Psychological virtual interview and completion from Hospital Police Academy.

Also completion from hospital police academy considered" **the probationary periods**"(**Exhibit L-4**).

I graduated from Hospital Police Academy on July 23,2021(See Exhibit C-15). My probationary period started from May 3,2021. I heard my probationary period end in May 3, 2022 and I believed every officers probationary period only for one year. I was told by Captain Melendez my probationary period was longer than other officers. I believed because of my age.

Age and Religious discrimination are connected each other

(See Exhibit I) I just want to tell the court that my age and religious discrimination must connected each other. Because prior I submitted the covid card to Captain Melendez On September 24, 2021 which disclosed my age and birthday I always relief on time to pray by central command officer Philips and Officer Wood(See Exhibit C-13 and See Exhibit C-12).

(See Exhibit Q-1)or(Exhibit Q page 34 OF 36) From Audit History of my negative working performance Indicated that the file was created on 10/22/21 by Captain Melendez right after I was submitted my covid card which contain my age and birthday on September 24, 2021(See Exhibit I).

The audit history stated "Transfer from" Captain Melendez "Transfer to "Sgt Rosado" and "Transfer by" Angella Mullet (Assistant Director OF HR) On 10/22/21 at 2:42-52 pm and "Reopen by" Angella Mullet" on 11/09/2021 at 3:49; 05 PM and Last Modified by Sgt Rosado by 11/10/2021 at 12:31;07 am.

(SEE EXHIBIT N-7)This the valid proof that the negative performance was created on 10/22/2021 by Captain Melendez, Angella Mullet and Sgt Rosado work at midnight.(SEE EXHIBIT Q-1 OR EXHIBIT Q PAGE34)

Sgt Rosado didn't work on the day time at 02;42;52 pm and I never conducted any observation regarding patrolling post with him. Sgt Rosado said to me people upstairs don't like you and I was failed twice but I will proof the court that the negative working performance was created in order for me to disqualify from the job because of my age.(SEE EXHIBIT K and See EXHIBIT C-13), SEE EXHIBIT M, EXHIBIT N, EXHIBIT O, EXHIBIT P).

See Exhibit N-7

Competency	Date Observed	PASS/Fail/not applicable	Hospital memo book/ Schedule	SEE EXHIBIT
Response Matrix.. for code pink alarm	09-12-2021	Fail	I was off on this date	SEE EXHIBIT K AND EXHIBIT C-13
The Tour Commander ...cancel code pink	09-24-2021	Fail	I was assigned to post 2B	SEE EXHIBIT M
Officer detained...the Abductor Alarm condition	10-6-2021	Fail	I was assigned to post 4	SEE EXHIBIT N
Dispatch Officer to Investigate	10-18-2021	Fail	I was assigned to post 4	SEE EXHIBIT O

All officer...IPS area	10-29-2021	Fail	I was assigned to post 4	SEE EXHIBIT P
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Enclosed exhibits are real proved of the respondent had create the negative performance base on my age in order for me to disqualify or discharge from the job. This false accusation of negative performance is the prove of respondent has violated of Age discrimination Act of 1975 as amended and violation Title VII of the civil rights Act 1964 as amended.

These negative working performances are false statement in order for me to disqualify or discharged because I am the older new officers. This observation was patrolling post officer assignment. I did not assigned to do these observation on these dates because I was assigned to midnight shift unrestricted Post 2B and restricted post 4 main lobby and post 2A sometime. According to my hospital police memo book I did not assigned to these observations.

SEE EXHIBIT C-19 I did not received the same training as new younger employees have. During patrolling post training (Post 8, Post 9, Post 10) usually the new officer should assigned patrolling post assignment the next following day or a week to learn more about the assignment or to understand further more and can asked any questions the officer might have regarding patrolling post assignments. But in my situation the training was not done properly because after training I did not assigned to patrolling post assignments right away as other new younger Officers (Chapagain and Smith) instead I was assigned limited only to midnight shift restricted post 4 main lobby most of the time and sometime post 2B and Post 2A. I did not given the opportunity to learn more about patrolling post as other new younger officers had.

Also, Detective king skip some of procedures of training for post 8 midnight shift (**See Exhibit C-19, @POST 8@0315**) in order for me not to learn completely. The part of assignment post 8 was to relief central command officer for lunch and break. When she was about to relieve central command officer for lunch or break, she asked me to sit at ER post 2 or Post 4. She did not wanted me to learn about central command desk assignments because she wanted me to be discharged and disqualified because I am new older officer.

When I was on training post 8 for morning shift I was train by Officer Hewitt and she teach me to learn how to operate central command and all assignments on post 8. The part of assignments post 8 was to relief central command officer for lunch and break. Officer Hewitt did not skip the procedure of the training for central command officer duties and how to operate central command procedure.

Detective King, Sgt Rodriguez and Captain Melendez did not give me the same opportunity like others new young officers(Chapagain and Smith) to learn more by assigned me to patrolling post and rotating working assignments after training.

(See Exhibit N-6), page 1 of Exhibit S-6(Rebuttal docs) I had difficulty for relief to pray on time when Detective King got promoted to work at Central Command officer to replace Officer Philips in October 2021(**SEE EXHIBIT C-13 AND EXHIBIT C-12**) since then I got unfair negative working performance, verbal harassment during roll call, unfair working condition and denied to pray on time and bathroom accommodation.

(See Exhibit Q) According to Negative working performance file I was conducted the observation with Sgt Rosado regarding patrolling working assignment but the fact I never done any observation with Sgt Rosado but Detective King said to me she have in charge of my file and she said she will put negative working performance on my file. She said "It's going to be in your file". I don't know what she talking about. I believed She always upset the department hired older lady in the department because she knew my age through locker room conversation in the middle August 2021. Detective king is the midnight shift trainer she said she had authority to put negative working performance on my file.

My first write-up was in October 2021 by Captain Melendez when I had to walking out the post because nobody relief me to pray on time and for bathroom urges. I was told by Sgt Rodriguez that the department doesn't have enough people to relief to pray at midnight shift and I supposed to request Captain Melendez to work in the morning shift instead because morning shift have enough officers to relief me to pray on time and bathroom accommodation. I was told by Captain Melendez, he can't move me in the morning shift because morning shift already have enough female officers but In December 10, 2021 I found out Captain Melendez assigned recent graduate 22th yrs. old female officer Sultana who has lower seniority than me to work in the morning shift. **(See Exhibit C-10)**

In October 2021, I was told by Captain Melendez that he denied my shift preference to move to morning shift because he had enough female officers to work in the morning shift but he said I must asked Sgt Rodriguez for prayer accommodation and Sgt Rodriguez give me unrestricted post 2B which this post was accommodating me to pray on time and bathroom accommodation.

Post 2B was accommodated me to pray on time and bathroom accommodation because this post no need relief and freedom post. This post is additional post for ER(Post 2 and Post 2A). This post did not required to respond the call outside the ER department. This post only working on ER department and response the call inside ER department only and this post accommodating me to pray on time and bathroom accommodation.

In the end of January 2022, I was told by Sgt Rodriguez that they remove me unrestricted post 2B from my assignment because they eliminate unrestricted post 2B from midnight shift assignment, but I found out the department give post 2B assigned to another officer.

Prior this incident I remember one time I was removed from unrestricted midnight shift post 2B to restricted midnight shift post 4 main lobby by Detective King while she was assigned to Central command desk.

Believed 2 days or a week later, Sgt Rodriguez said to me they remove unrestricted post 2B from my assignment because they eliminate unrestricted post 2B from midnight shift assignment but I found out they still have post 2B but the department assigned this post to another officer.

Since then I was place at midnight shift restricted post 4 main lobby permanently which give me the difficulties to pray on time and bathroom accommodation. Prior they remove me from my unrestricted post 2B assignment I was assigned to restricted post 4 main lobby in the weekend when Detective King was off but when they said they eliminated my unrestricted Post 2B from my assignment I was place in restricted post 4 main lobby permanently and I encounter disagreement with Detective King who did not accommodate my prayer time and I filled the first religious complaint to Captain Melendez On February

25,2022(See Exhibit A), March 27, 2022(Exhibit B), March 28,2022Exhibit G, April 07, 2022(See Exhibit N-2).

After I filled the complaint and Detective King was place on leave the situation discontinued when she was back to the office the situation getting worst.

I believed Detective King was back from her leave on April 04, 2022- April 07, 2022 and the situation getting worst like before and giving me the difficulties accommodation which leading to my discharge on 04/09/2022.

Between in or on March 30- April 4 ,2022 Sgt Rodriguez came to my restricted post 4 main lobby while Detective King still under investigation on my religious belief discrimination allegations complaint and Sgt Rodriguez said to me "That's why I give you post 2B so you can pray". I believed he try to say that The Detective King who the one who remove me from midnight shift unrestricted post 2B to midnight shift restricted post 4 main lobby.

In the end of January 2022 , Sgt Rodriguez and Captain Melendez have knowledge that by put me back on restricted post 4 main lobby will not accommodating me to pray on time and bathroom accommodation and the incident October 2021 will repeated again when I got written-up of walking out my post due nobody relief me to pray on time and relief bathroom urges. I was told by Captain Melendez that he denied for me to work on morning shift but Sgt Rodriguez will accommodate unrestricted post 2B for me so I can pray on time and bathroom accommodation.

But In the end of January 2022 They removed unrestricted Post 2B from my assignment which giving the difficulties for me to pray on time, ablution and bathroom relief accommodation.

I send email on February 25, 2022(See Exhibit A) and March27, 2022(See Exhibit B), March 28, 2022(See Exhibit G), April 7, 2022@11:46 pm(See Exhibit N-2), April 07, 2022@1257pm(See Exhibit F).

(See Exhibit N-2)On April 07,2022 From Verbal communication with Sgt Rosado and central command Officer Wood I was told verbally the department not willing to accommodate early prayer time anymore and if I walked out the post I will get written up of misconduct of leaving the post unattended. Sgt Rodriguez setting the time pray to pray late at 0513 am which is against my religious belief because I have to pray on time according to Qur'an verse Surah Al Maun: So woe those performers of Salat(Prayers) who delayed their salat(Prayer) from their state fixed times(Al Maun 4-5).

During my discharge (04/09/2022) I was assigned to Midnight shifts restricted post 4 main lobby. According to my seniority I am not supposed to be assigned at midnight shift restricted post 4 main lobby. The lower seniority who were graduated on December 10, 2021(SEE EXHIBIT C-10) should be assigned to midnight shift restricted post 4 main lobby but because Captain Melendez prefer new young officers in their department they put me on the midnight shift restricted post 4 main lobby instead by giving favorable working condition to young officers and let the new young officers work in my morning shift and have rotating working assignment, work on patrolling post and compete with the other officers with unlimited bathroom accommodation. I was assigned to midnight shift restricted post 4 main lobby with difficulties for bathroom accommodation and pray on time to fulfill my religious belief obligations.

I had been working there almost a year on 04/09/2022 and the respondent said in EEOC position statement (See Exhibit S-7) or (page 2 " resp position statement") I was place at midnight shift post 4

main lobby because I am new but the facts I am not new because they were officer who less seniority who graduated on December 10, 2021(SEE EXHIBIT C-10) consider new but they were younger than me. I was place at midnight shift restricted post 4 main lobby instead and left behind because of my age.

the respondent give more favorable working conditions to new young officers and put me on the midnight shifts restricted post 4 main lobby with difficulties accommodation for the bathroom and pray on time.

Religious Discrimination

EEOC investigator supervisor stated on the phone regarding my religious discrimination case dismissed because that the respondent provide the accommodation to pray but the relief provide it late. but In this case if they relief me late to pray meaning they're not accommodating my prayer time because I need to be relief before prayer time from my post so I will have enough time to perform ablution and bathroom relief in order to prayer on time at 12th floor mosque. I had requested many time that I am in need accommodation to pray on time and need provided relief before the prayer time in order to do ablution and relief bathroom urges (See Exhibit A) and I provide the verse from the Quran and Hadith that my religious belief obligation I must pray on time(See Exhibit A).

On 04/09/2022 on the day I was discharged EEOC supervisor representative on the phone said the respondent were "Attempted" to relieve me but the relief provided late.

But on April 07,2022 the department already made statement that they were not willing to accommodated to pray on time anymore and I was told I will be relief late to pray from now on(See Exhibit N-2). Meaning there is no " attempted" anymore(See Exhibit N-2). The department said they were not willing to accommodate earlier prayer time anymore. That's why I was told by Sgt Rosado and Central Commands Wood that I will be not be accommodated to pray on time anymore but if I leaved my post in order to pray on time I will be write-up of misconduct of leaving my post.

That's why on April 07,2022 I sent the email to CEO operation and Hospital Administration I need permission to walked the post when nobody relief me to pray. (See Exhibit F, Paragraph 9)

I wrote on the email :

Allah's commands to pray come first and HP Command not to abandoned the post come second if nobody relieve me

The CEO operations and Hospital Administration have knowledge that I will walked the post on 04/09/2022 and they didn't reply my email how to overcome the situation or fixed the situation whether assigned me to morning shift or put me on administrative duties at hospital police administration in the morning shift to work with Officer Hewitt and Detective Almodovar to taking care ID paperwork for employees or put me back to my original unrestricted post 2B where this post no need the relief I can pray without required for relief and accommodated me to pray on time and bathroom accommodation.

Midnight shift Hospital Police department when Detective King comeback from my discrimination religious allegations, Central Command Wood and Sgt Rosado said Sgt Rodriguez setting up the time for me to pray late at 0513 am from now on. Sgt Rosado said sorry no more early prayer time for you. This is very serious situation when My department said they were not willing to accommodate early prayer

time anymore. I can not missed my fajr prayer I need to pray on time. Prayer is the first pillar of my religion and this is very serious matter.

I was told I will not accommodated it to pray on time and if I walked the post I will be written up for misconduct the policy by leaving my post in order to pray on time.

Prior I made complaint religious discrimination complaints I only have problem with Detective King only, now Detective King back to the office the department said they were not willing to accommodate my early prayer time anymore(See Exhibit N-2)

On 04/09/2022 On my employment Discharge EEOC believed that because of the nature of my religious belief I have to pray on time I was deserved to be discharged . (See Exhibit L-3)

EEOC believed that my religious belief obligation to pray on time cause the undue hardship of the operation at the Hospital operation. But according to Central Command Officer Jones there was no undue hardship when I leave the post and my post was safe and clear without undue hardship of the employer(See Exhibit L-3), Paragraph 4 :

I wrote on the email: On April 10, 2022 to CEO of Operation and hospital administration:

On Saturday Morning, April 09,2022 at 0458 am I walked my post due to nobody relief me to pray. I notified the central (P.o Jones) that nobody relieve me to pray and ready to walk out my post.

P.O Jones (Central Ops) stated that someone was coming to relieve me. I walked out my post to go to the bathroom and was ready to do an ablution in preparation to pray

I suggest the court should run the test of "undue Hardship" on 04/09/2022 and must see the CCTV camera on restricted post 4 main lobby at 0458 am and I leave my post in safe condition without "undue hardship" of the employer.

I just need 10 minutes accommodation in order to pray on time, ablution and bathroom urges. I didn't asked for one days off. I just need 10 minutes and my post was safe and clear.

Even I did not eat suhoor(pre-dawn meal) because on 04/09/2022 at the time is Ramadan I have to fast for almost 14 hours without eating and drinking. I hold my bathroom urges close to my prayer time so I will be allowed to pray on time but the respondent said it was undue hardship for the operation.

The respondent cost the undue burden on me by not allowing me to eat my pre-dawn meal during Ramadan, giving me difficulties to pray on time and bathroom accommodation because the respondent took my unrestricted post 2B from my assignment in the end of January 2022 and the respondent aware that by putting me on restricted post 4 main lobby will give difficulties for me to pray on time and bathroom accommodation and also I was denied to move to morning shift in October 2021 where I will be accommodated to pray on time according to my working schedule and breaks.

By put me on midnight shift unrestricted post 2B doesn't cost any tremendous substantial cost by paying premium wages or any type of undue hardship to the respondents. I will get pay the regular wages.

In the end of January 2022 the respondent put me back on restricted post 4 main lobby giving the difficulties to pray and bathroom accommodation it's the clear sign the respondent not willing to accommodate and failed to accommodated my religious obligation to pray on time.

On 04/09/2022, On the day I was discharge Central Command Officer Jones said on (**Exhibit L-3**) "Someone was coming to relief me" meaning no undue hardship by the time I leave my post. Officer Jones did not say any undue hardship in department, and I confused when the EEOC said "undue hardship" because my post safe and clear when I was walking out the post.

On 04/09/2022 during my discharge Sgt Rodriguez most emphasize I broke the policy of "walking out the post" instead of accommodating me to pray.

See Exhibit L-3

I wrote on the email: Paragraph 6:

I went to the office and Sgt Rodriguez told me "What's going on?", I said to him "you tell me", you called me". He told me "Why you walked out the post". I said to him "I have to pray" and Sgt Rodriguez told me "this job not for you". You have to choose between God or a job. I told Sgt Rodriguez I chose God First and I gave him all my shield, radio, keys, ID

I highlighted the word "Why you walked the post" because he was more emphasize that His command not leaving the post has more powerful than Allah's command to pray on time. He did discuss about the undue hardship on his side but he was aware the condition back to normal when I walked out the post at 0458 am. On 04/09/2022 the conditions in my post was safe and clear without Undue hardship of employer.

This is not constitute undue hardship because under supreme court law the undue hardship must substantial cost to respondent operation and my post was safe and clear when I leave my post at 0458 am without undue hardship of the employer. My midnight shift restricted post 4 main lobby always clear because all the clinics was close. Only 4th floor labor delivery and ER open 24 hours. In addition Central command can hold my post while I need to pray for 10 minutes accommodation because restricted post 4 main lobby occupied with high tech CCTV camera from different angle and Also if people enter the building they can not get through because all the doors was lock by patrolling officers at afternoon shift and double lock by midnight shift patrolling officers.

Even Central command officers Jones stated on the phone when I am about to walked from my post that "Someone was coming to relieve me" (**See Exhibit L-3, Paragraph 4**)

04/07/2022 the department already made statement that Sgt Rodriguez will set up time to relief me late to pray from now on even though there was no undue hardship in the department.

From this statement Sgt Rodriguez was attempted me to walked out the post on 04/09/2022 in order for me to create misconduct in order for me pray on time because on 04/07/2022 the department already made statement will not accommodated me to pray on time and Sgt Rosado told me over the phone that Sgt Rodriguez instructed all supervisors and central command officers to relieved me late to pray (**See Exhibit N-2**).

At least I asked permission to walked out the post ahead of time On April 07,2022. I sent the email to the CEO operation and Hospital Administration regarding the situation I had in my department when the situation getting intense and I need permission to walked the post if no nobody relieve to pray. (See Exhibit F, Paragraph 8-9):

My religion taught me to fight for my rights and dignity. Prayer is the first pillar of my religion. The purpose of my life in my religion is to worship but if my working environment does not give me accommodation to pray, my imam told me not work at any of them. When it's time to pray I have to pray and no one can stop me for that. Human rights to worship Allah I want to worship.

Allah's commands to pray come first and HP command not to abandon the post come second if nobody relief me.

04/09/2022 I was walked the post at 0458 am by notifying central command Officer Jones in order to pray on time and my post was safe and clear.

This is not considered Undue hardship when my post was safe and clear and from previous experiences he told me the department not willing to accommodated my early prayer time anymore.

I asked the court to run the test of "undue hardship" and check the surveillance camera of the condition of my restricted post 4 main lobby was safe and clear at 0458 am when I leaved my post.

Sgt Rodriguez was more concerned about I broke the company policy of misconduct of walking out the post rather than accommodating my religious belief obligations. Even Central Command officer Jones said when I told her nobody relieve me to pray and ready to walked the post and Central Command Officer Jones said "someone was coming to relief me" meaning there's no "undue hardship anymore" in here because The condition back to normal.

This incident the same Supreme Court Cases with Abercrombie V Elauf about the headscarf policy. There's Abercrombie policy headscarf was not allowed but the Abercrombie aware she is Muslim.

Supreme Court said by Letting her to wear Headscarf doesn't cost any undue hardship with the Employer operation. It must be substantial cost to the employer to be constitute "Undue Hardship" and Employer must accommodated religious obligation for the employee.

Same with my situation Sgt Rodriguez aware and have knowledge my prayer time at 0509 am and my cutoff time 10 mins to walking the post before prayer time in order to do ablution and bathroom relief. The department have knowledge that I will walked the post at 0458 am. My prayer time only cost the department 5 minutes in order to pray and 5 minutes for ablution and bathroom relief . This is not constitute hardship according to Supreme Court rule the employer should accommodate as long did not conflict with loss deficiency or tremendous substantial cost to the employer.

I leave my post for 10 minutes in order to pray without Undue hardship of the employer because I leave my post in safe and clear without undue hardship of the employer. The nature of Midnight shift restricted post 4 main lobby always safe and clear. I was guarding the empty lock down building because all the clinics was close.

The respondent aware I will walked out the post when nobody relief me to pray from my previous email I sent to On April 07, 2022 (**See Exhibit F**), Paragraph 8,9

I wrote on the email:

When it's time to pray I have to pray and no one can stop me for that. Human rights to worship Allah I want to worship.

Allah's commands to pray come first and HP command not to abandon the post come second if nobody comes to relieve me

I sent this email when on 04/07/2022 when Central command Wood and Sgt Rosado stated on the phone Sgt Rodriguez inform all the central command officers and supervisors to relief me late to pray at 0513 am. (**See Exhibit N-2**). The department said they were not willing to accommodate early prayer time anymore.

I wrote on the email: **Exhibit L-3**, paragraph :7

Sgt Rodriguez said He didn't fire me but he will write me up for walking out the post and I must leave at 5 am today. This is my second written warning for walking out the post due to nobody relieving me on time to prayer

He said I can come tomorrow and think, If I choose a job first I can come . I told him today and tomorrow are the same. I put God first over the job. He asked me if I was resigning but I didn't know what to say. He said you must resign,

Captain Melendez write-me up on October 2021 for walking out the post because I have extremely bathroom urges and needed to pray. We were had arrest someone around 03 am and Sgt Blount told me that I have to hold my bathroom urges for 3 hours but my stomach so painful at 0600 am I can not barely hold the bathroom anymore and I walked the post instead because nobody relief for the bathroom. I hold the bathroom from 0300 to 0600 am. At the time I needed to pray too and Sgt Rodriguez said He did not have enough people to relief for bathroom accommodation and pray on time and I get written up by Captain Melendez a week later.

In addition, I believed They did not allow me and accommodate me for the bathroom can be the type harassment because of my age too I was feeling my working environment like jail to me because bathroom and prayer are connected.

The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination because we must do ablutions before we pray we have to relief any bathroom urges and this ablutions is a must or my prayer is invalid. In Islam we have to follow the Qur'an and Hadith.

According to Hadith Prophet Muhammad SAW stated:

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

ON EXHIBIT N-2 , PARAGRAPH 10**I wrote on the email:**

My verbal dispute regarding my prayer time Captain Melendez passing by at post 4 stated to me that "this job is not for you and he said he knew people the prayer time can be delayed until sunrise", He seems to agree with Detective King not willing to give the earlier relief time for prayer

Captain Melendez and Sgt Rodriguez always said verbally they were not willing to accommodate my early prayer time but they did not wanted to mentioned in writing. There was no Undue hardship on midnight shift restricted post 4 main lobby because all the clinics were close and whole building was lockdown I prefer working at post unrestricted post 2B instead because this post no need relief.

In addition My post condition was safe and clear without any "undue Hardship of the employer. There was incident happened at 0424 am but the condition back to normal. Also my post was safe and clear.

I believed the undue hardship was pretext incident and prima facie of discrimination because of my protected activity of filling internal religious complaint against Detective King and Sgt Rodriguez **(See Exhibit A, Exhibit B, Exhibit F, EXHIBIT N-2, Exhibit G)** between February 25, 2022 -04/09/2022.

I Leave my post for 10 minutes in order to pray on time, bathroom ablutions and bathroom urges when the post conditions was safe in not considered of undue hardship according to Supreme Court dissent. The undue hardship under Title VII apply when loss deficiencies and substantial cost of money to spent not considered the undue hardship of the employer .

Undue Hardship Under Title VII Supreme Court dissent rule:

- Loss deficiency(My Post was clear and safe)
- Weekly payment of premium wages(I didn't request one days off I just need 10 mins accommodation to pray, ablutions, bathroom urges//post 2B still pay me on regular wages)

None of this cause apply to respondent undue hardship because I just need 10 mins accommodation to pray and as per my post condition was clear and I asked permission from Central Command Officer Jones to walked out my post because no body come to relief to pray. She did not say Undue hardship she said the relief was on his way.**(SEE EXHIBIT L-3)**

The policy of misconduct for leaving my post cause my constructive discharge after notifying CEO Operation, Hospital Administration and the central command in order to pray on time is not consider undue hardship because the respondent must accommodated my religious obligations as long not conflict with the deficiency of my post condition and substantial cost to the business. I leave my post in safe condition without undue hardship to the employer.

Also in the morning shift, I learned that it was okay to leave restricted post 4 main lobby unattended as long the condition was safe and notified the central command officer on duty. I remember one time when I used to work involuntary over time at Methadone Clinic, Officer Echevarria leave restricted post 4 main lobby unattended when I called for additional at the time. Meaning It was okay to leave the post as long the conditions was safe and clear.

Respondent have knowledge that my prayer time was 0509 am and I need to walked out the post if nobody relief me at 10 minutes before prayer time in order to do ablution and bathroom relief.

The Undue hardship test must the substantial cost to the operation. I just need 10 minutes prayer accommodation and this is not constitute undue hardship according to supreme court dissent. I am not even given the opportunity to eat my suhoor(pre-dawn eating) on 04/09/2022 it was Ramadan and I have to fast for 14 hours without eating and drinking. I did not eat anything in order for me to be relief early to pray on time but nobody relief me and I walked out my post in order to pray on time.

At midnight shift the conditions always quiet and safe because the nature work at midnight the conditions was safe and clear because all the clinics was close and all the building was on lock down and they need the keys to get in. Never happened undue hardship like 04/09/2022 before.

This Undue hardship incident was special for my discharge and pretext prima facie discrimination incident was created by HR and management to protect them from burden allegation of Religious discrimination.

Most of the time the relief did not come because the officer was sleeping at locker rooms or Nuclear Meds come on the same time because central command officer wood transfer the call to ladies locker room to wake the officers up. I told Sgt Rodriguez about Nuclear Meds came the same time with prayer time and he said next time Nuclear Meds have to wait. There was post 9 and post 2B supposed to relief me but many time they came late.

I used to work at unrestricted post 2B and I was able to pray on time and accommodation for the bathroom but in the end of January 2022 unrestricted post 2B was taken away from my assignment and give difficulties to pray. This midnight unrestricted post 2B accommodated me to pray on time and bathroom accommodation but Sgt Rodriguez take unrestricted post 2B from my assignment and put me back on restricted post 4 main lobby where this post was assigned to me on October 2021 and conflict with my prayer time and bathroom accommodation and I was received the first write-up from Captain Melendez in October 2021 because this post give me the difficulties to pray on time and bathroom accommodation.

(See Exhibit Hadith) Respondent supposed to assigned me to unrestricted Post 2B and by assigned me at unrestricted post 2B will not required to pay me premium wages. I still paid on regular wages on this post. The respondent failed to accommodate my early prayer time is the disparate treatment of my religious belief because the respondent took my post 2B in the end of January 2022. I provide the Quran Verse and Hadith that I need to pray on time and it is part of my religious belief obligations practice have to pray on time.

This incident will be prevented if the respondent did not take my unrestricted post 2B remove from my assignment in the end of January 2022. The undue burden is on me by not allowing me to pray on time to perform my religious beliefs because the respondent put me back to restricted midnight shifts post 4 main lobby must required relieved from another officers.

Post 2B unrestricted post at midnight shift is really accommodating my prayer time and bathroom accommodation because this post no need relief and this post no need to respond the call outside ER department. This is the freedom post and this post accommodated me to pray on time, wudhu

(ablutions) and bathroom relief until the end January 2022 Sgt Rodriguez said they eliminate post 2B from midnight shift and I found out he assigned post 2B to another officer.

My employer did not explain why they took post 2B in the end of January, 2022 from my assignment when they're aware the unrestricted post 2B giving me easy accommodation to pray because this post no need relieved and this post is additional post of ER. Post 2B it's freedom post. Post 2B is additional post of ER department and Post 2B do not have to response any call outside ER only response to post 3 and ER unit only. I can pray on time and use the bathroom at any time without having difficulties in order to be relieved.

My employer failed to give maximum effort to accommodate my prayers time. My employer take post 2B from my assignment in the end of January 2022 and put me at midnight shifts restricted post 4 main lobby. They aware that by taking post 2B in the end of January and put me on restricted Post 4 main lobby will cause difficulties for me in order to pray and bathroom and will cause constructive discharged.

The definition Undue Hardship was created pretextual reason to take the adverse action against me because of my protected activity. The undue hardship not burden prove of I committed misconduct when I leave my post in safe condition without substantial cost to the operation because I need 10 mins to pray on time accommodation because I already asked permission to walked out the post if nobody relief me to pray from central command, CEO operation and Hospital Administration. The respondent and Human Resources can created the incident of "undue Hardship" and negative working performance to protect them from burden from discrimination allegations.

Prayer time I didn't make it up. Allah made and decide the prayer time. I have to pray but the respondent said the undue hardship allegation during my prayer time is seems pretexts incident after on 04/07/2022 email I sent email to CEO operations and Hospital administration to express my believed that on the third paragraph.

On the email I wrote to CEO of Operation and Hospital Administration: **SEE EXHIBIT N-2**

I believed the department had retaliated because I made complaint regarding my bathroom and my prayer time

On 04/07/2022 Central command officer Wood and Sgt Rosado said to me on the phone that they were not willing to accommodate early prayer time anymore. Sgt Rosado stated on the phone that Sgt Rodriguez setting up the time for me to late to pray at 0513 am. I was told I will not accommodate to pray on time but when I walked out the post will get written up for misconduct of for leave the post unattended.

My religious complaint about Detective King always relief me late to pray was ignored 36 hours until I send another email with "NLRB" caption in order my complaint to be heard. **(See Exhibit B, See Exhibit G and Exhibit C).**

SEE Exhibit B I sent the complaint regarding religious discrimination complaint against Detective King On Sunday, March 27,2022 @0803 pm and the reply was late until Tuesday, March 29,2022 at 09:39 am { **SEE EXHIBIT C**}. But I did met Captain Melendez in person **(See Exhibit G)** Captain Melendez said the department not able to accommodate early prayer time all the time. He said He knew people can

delayed prayer until sunrise. He seems to agree with Detective King not willing to give the earlier prayer time. Even he refused for me to work in the morning shift to accommodate my prayer time. There is no undue hardship here. Many time I was not relief because they told me they do not have enough officers to relief me. (See Exhibit N-2, Paragraph :5).

On Exhibit B I wrote:

I am late for morning prayer this morning. Detective King working on the central desk. We argue again. I don't have problem with Wood and Jones working on the desk because every time when I asked for relieved for prayer they always called on the radio "Post 2B or Post 9 releived post 4 for 62" But this morning detective king was on the desk. She didn't called anyone on the radio to relieved me.....I called her again and asked her if she called anyone to relieved me. She get upset she said she doesn't like the way I talk to her....

She transfer the called to Tour 1 commander Rosado and I told him I need relieved for prayer and Sgt Rosado said why I didn't call the desk. I told him I already called central desk and King transfer the call to him. My prayer late for 20 minutes

From this email the court should see that the department does not have "undue hardship" because Sgt Rosado said "why I didn't called the desk". Indicate that there is no "Undue Hardship". Also, If there was undue Hardship I will heard on the radio because all the incidents happened must be communicated through the radio. This the nature of working on midnight shifts always quiet because all the clinics close and locks at the main lobby.

From my experience I did not relief to pray not because of undue hardship(See Exhibit F)

I wrote on the email:

As per conversation with Sgt Blount and Sgt Rodriguez a few months ago when I received the call to report to Central operation at 8th floor HP headquarter they told me I need to provide the doctor note if I have urges to go to the bathroom every morning. My doctor told me he was not able to give doctor's note because the urges to go to the bathroom are not sign of sickness and he said it's normal going to the bathroom

From my experience I did not relief to pray not because of undue hardship(See Exhibit N-2,Paragraph 11)

I wrote on the email:

Sgt Rodriguez states during roll call when I told him about the time I need to be relieved for prayer he mentioned "We all pray to almighty God we pray where we stand", "we don't need to stop the operation". I did mentioned to him about how Muslim woman have to cover the hair when praying and need to relieved bathroom urges and do wudhu ablution. In Islam when woman's pray she must secluded not seeing by any man

From this email the court should see that there's no undue hardship here. The department just not willing to accommodate my bathroom urges even I was holding my bathroom close to my prayer time in

order able to be relief on time to pray but the department said many time they don't have enough people to relief me.

On verbal conversation with Captain Melendez and Sgt Rodriguez I was told the department not willing to accommodated my prayer all the time. I was denied to move to morning shift which accommodated me to pray on time due to morning schedule and breaks and unrestricted post 2B was taken away from me in the end of January 2022 which give me difficulties to pray.

Many time I heard from the department that they were not willing to accommodated my prayer time because they don't have enough people to relief me. Not because of "undue Hardship".

They created undue hardship on 04/09/2022 as excuse to discharge me for misconduct of break the company policy so they will free from the burden of discrimination charge.

On April 09,2022 approximately around 0100-0200 am when I was called to go upstairs by Sgt Rodriguez to sign in to my employee account using supervisors computers not officers computer outside the desk.

Officer Chapagain(post 2B) came to relieved me in order to go to roll call office upstairs. Officer Chapagain said to me he heard from the department that I filled the lawsuit against the employer and he said he need to know which agency. I told him "NLRB"(SEE EXHIBIT G) even though I did not made any complaint to any agency yet. He write it down on his memo book and I believed he gave the information to Sgt Rodriguez. I believed the reason of "undue hardship" was created in order to protect the departments from the burden of discrimination charge in future.

Many time I did not get relief in the past because the officers was sleeping at the locker room because Central Command Officer Wood transfer the call to the locker rooms to wake the officers up or Detective King was on the Central Command Central desk. She refrain to called anyone on the radio One time Detective King and Officer Wood said "You need to stop Harassing people" because I keep calling because no officers came to relieve me to pray.

The "undue hardship" never mentioned because the nature of midnight shift always in stable condition and very quiet because all the clinics in restricted post 4 main lobby were close only information desk open 24 hours and labor delivery at 4th floor open 24 hours and ER Open for 24 hours. But on 04/09/2022 I was force to walked out the post nobody relief to pray and also I already sent the email to CEO operation and Hospital administration need permission to walk out the post if the relief did not come because on 04/07/2022 Central Command officer Wood and Sgt Rosado said I will not accommodated to pray on time anymore. Sgt Rodriguez instructed all the central command officers must relieved me late to pray at 0513 am and if I walked out the post I will be write-up for misconduct abandoned my post unattended(SEE EXHIBIT N-2).

In addition the CEO operation and hospital administration have acknowledgement about I will walking out the post on 04/09/2022 from My email on April 07, 2022 SEE Exhibit F Paragraph 9

I wrote on my email

Allah commands to pray come first and HP command not to abandon the post come second if nobody comes to relieve me

(SEE EXHIBIT L-3) On 04/09/2022 I leave my post at 0458 am . I notified central command Officer Jones that nobody came to relief me to pray and I am ready to walk-up the post at (0458am) .

Officer Jones did not say undue hardship and she said someone was coming to relief me to restricted post 4 main lobby because the condition back to normal and my prayer time was 0509 am.

Approximately Between 05:09 am-0515 officer Martinez called restricted post 4 main lobby on the radio to respond while I was praying and Officer Chapagain was responding the call on the radio meaning officer Chapagain already at my post at post 4 main lobby approximately between: 05:05am- 0515 am.

Officer Martinez called me on the radio while I was praying. He disturbed my prayer honestly. I was called to report to hospital police headquarters at 8th floor approximately between 05:13 am- 0520 am.

Sgt Rodriguez asked me why I leave my post and I told him I have to pray and he told me "this job not for you and you have to choose God or Job" .I told him I will choose God first and I give all the Hospital police equipment such as keys, radio, bulletproof vest, memo book, etc.

He said he didn't fire me he just want to write me up for walking out the post but I must clock out at 0500 am and comeback tomorrow If I will choose Job first.

I told him today and tomorrow always the same I will choose God first and I give all the hospital police equipment such as bulletproof vest, keys, radio, my shield , Hat shield, memo book, etc.

I remember I saw the clock at the office on the wall was 05:15 -0520 am when I was told by Sgt Rodriguez I have to clock out at 0500 am for that day and comeback tomorrow if choose the job first. I told him today and tomorrow are the same I will choose Allah first. He asked me if I resign and I said I don't know and he said "you must resign".

I believed 04/09/2022 discharge as undue hardship incident was premeditated incident from Human Resources and their lawyers to relief the burden of the breach title VII religious discrimination.

In addition I believed the undue hardship was premeditated after I sent email on 04/07/2022. I sent the email to the CEO Operation and Hospital Administration stated which I believed the Hospital Police Administration had retaliated against me because Sgt Rosado, Central Commands officers stated on the phone on 04/07/2022 The Hospital police Department not willing to accommodate my early prayer time anymore **(See exhibit N-2, Paragraph 2)**.

On the email I wrote:

I called the relief from post 4 this morning and P.O Wood said he can't relieve me until 0513 am. He said that was the time Sgt Rodriguez gave him time to relieve me for bathroom and prayer. I told him that I never told him to be relieved at that time and he transferred me to Sgt Rosado and he said He can't relieve that early. I will be relieve at 0513 am.

I almost walked out form my post this morning if nobody relieve me at 0500 am but the point I would like to say is I believed the department had retaliated because I made a complaint regarding my bathroom and prayer time

(See exhibit N-2, Paragraph 12)**On the email I wrote:**

With this allegation I just need my rights not to be denied for the bathroom when I need to and also I need my right to pray. This morning P.O Wood and Rosado stated that I will be relief at 0513 am and they didn't say the relief will come at 0500 am. If I walked out from my post I might get another warning again because of my religious belief as subject matter

I told them I will walked the post if nobody relief me to pray and Central Command Wood stated that I will get write-up for misconduct if I leave the post to pray.

In addition they try to say they will not willing to accommodate me to pray on time anymore or if I walked the post I will be discharge for misconduct of the policy.

I did sent email to the CEO operation and Hospital Administration to solve the problem whether put me back to work on unrestricted post 2B or move me to morning shift but no reply.

I was called out on 04/08/2022 because the tension I had in my department and I need permission to walked the post from CEO Operations and Hospital Administration(**See Exhibit F**) but I never received the response from CEO Operation and Hospital administration until 04/09/2022, only from Captain Melendez said I was accommodated by 0500 am on 04/07/2022.

On Exhibit F Paragraph 9

I wrote on my email

Allah commands to pray come first and HP command not to abandon the post come second if nobody comes to relieve me

On April 09, 2022 I went back to work and ready for the worst and I was discharged for walking out the post in order to pray because nobody came to relief me to pray(**See Exhibit L-3**).

On 04/12/2022 I am officially terminated (See Exhibit L-4) According to respondent official letter send the certified mail No.70181130000106021881:

*Please be advised that you have not satisfactorily completed **your probationary** period. Therefore, Your services as Special Officer in the Hospital Police Department at NYC Health+Hospitals/Metropolitan are hereby terminated effective close of business today, April 12,2022*

In the end of January 2022 The department assigned me back to midnight shift restricted post 4 main lobby is clear signed the department not willing to accommodated my early prayer time. I was told by Sgt Rodriguez that they took post 2B from my assignment. Sgt Rodriguez said "No more post 2B for you". The respondent aware that by taking post 2B will not accommodated my early prayer time and bathroom accommodation.

In or on October 2021, Sgt Rodriguez and Sgt Blount told me they were not willing to accommodate my prayer time because they said they don't have enough officers to relieve me at midnight shifts. This is not constitute undue hardship because they have post 2B at midnight shift which this post accommodated to pray on time, ablutions and bathroom accommodation. This post 2B is unrestricted post I don't need relief I can pray without have to wake up the officers in order to relieve me to pray.

My first write-up by Captain Melendez in or October 2021 for walking out the post in order for bathroom urges and needed to pray on time when I was assigned to midnight shifts restricted post 4 main lobby Sgt Rodriguez and Sgt Blount told me that the midnight shifts not able to accommodate early prayer time and bathroom accommodation because they do not have enough officers who work at midnight.

Sgt Rodriguez said I must requested Captain Melendez to move me to morning shift because morning shift have enough officers who relief me to pray on time and bathroom. Captain Melendez said he can't move me in the morning shift because he had enough female officers in the morning shift but In December 10 Captain Melendez assigned the recent graduate 22th yrs old female officer(P.O Sultana) to work in the morning shift. Captain Melendez said asked Sgt Rodriguez for accommodation to pray on time and bathroom.

Sgt Rodriguez give me unrestricted post 2B where give accommodated to pray on time and bathroom accommodation because post 2B unrestricted post I can go to the bathroom to perform the ablution and relieve my self and pray on time because this post no need relief.

In the end of January 2022 they took post 2B and put me back to midnight shift restricted post 4 main lobby. the department aware that by put me in this post will not accommodate me to pray on time and bathroom accommodation and leading to my discharge on 04/09/2022 when I walked the post in order to pray and I was told by Sgt Rodriguez that I must clock out at 0500 am and comeback tomorrow if you will choose your job first. I said to him today and tomorrow the same I will choose God first and I give my ID, Shield, Bulletproof vest, memo book, Keys, Police hat with the shield.

Discrimination Base on Gender (Woman)

I believed my rights to be pregnant not supposed to be the decision of the employer whether I supposed to be hired or disqualified from employment.

(See Exhibit X) On April 19 or April 26,2021. Dr. Willby who handle the physical examination for my special officer position stated in order to be hire at NYC Health+Hospitals said I must hold my pregnancy within 3 months because I must take 2 MMR vaccine and the vaccine will cause harm to the baby. I have to sign the paper of consent that I can not be pregnant if I am taking the vaccine because this vaccine will harm the fetus. I told the Dr Willby that I have intention to be pregnant and asked if I can be waive from the MMR vaccine requirement because I did took one MMR vaccine while I was in College. Dr Wilby said I need 2 MMR vaccine in order to be hired and I must take the MMR vaccine now and give the paperwork from the school later**(SEE EXHIBIT C-6).**

Dr Willby did not accommodate my intention to be pregnant and instead Dr Willby said if I did not take the MMR vaccine I would not get job. Dr. Willby still insisted to hold my pregnancy in order to be hired. I was force to take the vaccine against my will and I am accidently found out I was pregnant with no heartbeat in June 19, 2021**(See Exhibit N-3).**

Dr. Wilby did not find another solution to accommodate my intention to be pregnant and Dr Wilby did not give me another solution to waive the requirement to filled out the forms as per respondent stated on the position statement. This is not my duty to asked for accommodation again as per respondent position statement said I should ask for accommodation because I already asked and Dr Willby did not give me any form to filled out. I told Dr. Wilby about my situation in order to not to take the MMR vaccine because my intention to be pregnant. Also, I told her I already took the vaccine in the past while I was attending the college(See EXHIBIT C-6.) I told her I was expecting to be pregnant and Dr Wilby told me if I did not get the MMR vaccine I will not get the job even though I already told her my intention about to be pregnant and having a baby. I believed Dr. Willby reasonably failed to accommodate my rights as woman to have choice to be pregnant by forcing me to take the MMR vaccine against my will in order to get hired at NYC Health+Hospitals and I believed my rights as woman has been violated.

Approximately between March 1, 2022 - March 4, 2022 I was told By Captain Laboy to go to OHS 6th floor to Dr Wilby Office. On March 04, 2022 I went to Dr Wilby office and she told me I have to clear my medical clearance from last year and she told me I supposed to comeback for 2nd MMR vaccine in June 2021 but I didn't comeback for the vaccine. I realize I was pregnant on June 2021 . I did not hear anything from her until I was told by Captain Laboy to go to OHS 6th floor to Dr Wilby office.

Dr Wilby instructed me take the second MMR vaccine again on March 04, 2022 for medical clearance but I refuse and I told her I can't take another MMR vaccine because I already took it from school. I did give the paperwork last year before but Dr. Willby said she need the lab report. I was told I will relief from duty if I didn't take it. I told her I will get the copy from MMR vaccine from my school at Baruch College. She told me I must get lab report from my school. I went to Baruch College admission and they said they only able to give this paper only (See EXHIBIT C-6.) Baruch College give legitimate paperwork that I took the MMR vaccine and I remember I took the MMR vaccine at the school, (See Exhibit C-6) .Baruch College admission said the doctors can use the blood work to check if I was Immune to MMR vaccine and she said she don't know why my employer make it as big deal and need the lab report. it was not a big deal she said but I told her it's for employment or I will be relief from duty if I do not have lab report. I went to Baruch College, I believed on the same day Friday, March 4, 2022 to get my MMR vaccine paperwork. I was off on the weekend on March 5 (Friday night to Saturday morning) and March 6, 2022 (Saturday night to Sunday Morning). See Exhibit C-9.

On March 07, 2022 The second time I met Dr Wilby in order to submit my MMR vaccine paperwork without lab report from Baruch College. See Exhibit C-6. She was accepted the paper and she said my medical was clear and she gave me the paper(Exhibit A3). She said she just checking to my blood results that I was immune to MMR vaccine. She told me my next annual physical examination appointment will be on April 18, 2022.(See Exhibit A3)

(See Exhibit B1)I met the lady on March 04,2022 on OHS 6th floor at Dr Willby office. I believed her name is Mahmuda. She said she was there for physical examination for Hospital Care Investigator position at Metropolitan Hospital list# 586. I save her number as Mahmuda 586 in my phone contact details so easier to remember her name and her list number.

She was new hire for of Hospital Care Investigator(List# 586) We exchange phone number on March 4,2022. I save her number(646-824-7065) because we both have the same title as Hospital care Investigator candidate list (See Exhibit C-1, EXHIBIT C-2, EXHIBIT C-3, EXHIBIT C-4 AND EXHIBIT C-5).

In addition I have the text message on March 4, 2022 from Mahmuda as per Hospital Care Investigator candidate List#586 and she said she didn't mandated to take the MMR vaccine in order to be clear for physical examination on March 4, 2022 for the Hospital Care Investigation position at NYC Health+Hospitals. **(See Exhibit B1)**

I think she told me verbally she was asked for draw the blood only for her physical examination clearance requirement in order to be hired. On the text she mentioned she was at 13th floor I believed She already approved and at onward boarding orientation of new hire as Hospital Care Investigator position without taking any MMR vaccine requirements.

In addition On march 4,2022 at OHS 6th floor she show me her(**Exhibit S**) of her **Hospital Care investigator List# 586** with her name, her address and her list number and the address to go for background interview with the time and the date of appointment written on the paper. The paper similar with my special officer job offer which I was received on November 2020(**Exhibit S**).

Mahmuda List #586 said she received letter in the mail and email with her name and her list number and the address where she need to go to finished the paperwork.

I never received nothing from the respondent regarding my Hospital Care Investigator position I believed the respondent refuse to hire me as Hospital Care Investigator List #604(**See Exhibit L-2**) because I was filling the religious internal complaint to Captain Melendez between February- April 09,2022(**See Exhibit A, Exhibit B, Exhibit C, Exhibit G, See Exhibit E, See Exhibit N-2,See Exhibit F**).

I believed on this time frame when I filled the internal religious complaint to Captain Melendez I supposed to received the letter in mail and email regarding my civil service job for Health Care Investigator List# 604.(**See Exhibit L-2**)

In addition I believed my protected activity made the respondent not willing to offer me the job, when I disclosed my discrimination lawsuit against my former employer in federal court in 2015 during psychological virtual interview on April 17, 2021(**See Exhibit R**) when I was asked "Do you ever had any court proceedings" and I said yes I had discrimination case against my former employer in 2015.

Hospital Police Dress Code Policy to tightened my belt during my pregnancy violated my rights as woman

EEOC believes this case was untimely but I believed completion of Hospital Police Academy is part of the **probationary period of employment the terms and conditions(See Exhibit L-4).**

Hospital police academy is considered on the time frame of the probationary period.

May 03,2021 is the first day of Hospital police academy and also the date of hire of my employment and the first day of probationary period. The probationary period is for one year.

My probationary period : 05/03/2021---05/03/2022. I was discharged on 04/09/2022. Officially terminated on 04/12/2022.

In this case if I was terminated from the of the Probationary period employment which cause my constructive discharge on 04/12/2022 (See Exhibit L-4) should include Hospital police academy(Probationary period) incidents and 2 MMR vaccine requirement(Contingent period) as term and conditions to enter the "probationary periods".

The court should investigate the root cause of why I am not satisfied on my probationary period which include all the based of discrimination which occurred within the probationary period such as Age, woman and retaliation case was consider under the time frame of "probationary period".

Probationary period(Exhibit L-4) is the sub element of the completion of the contingent terms and conditions of employment(Exhibit X).

Contingent terms and conditions of employment period include the physical examination, additional background clearance to start police academy. When I am entering Hospital Police academy is the part of entering probationary employment period.

I believed my rights to be pregnant not supposed to be the decision of the employer whether I supposed to be hired or disqualified from employment.

Hospital Police Dress code Policy to tightened My belt violated my rights a woman

I believed the employer have no rights to have control of my body and force me to tighten my belt during Hospital Police Academy after I was submitting my GYN doctors note regarding June 25, 2021 pregnancy check visit which contain the picture of the pregnant lady holding the belly and the heading of letter stated "Health Care for Women OB Gyn".

On June 30, 2021(See Exhibit N-5) Captain Padilla told me "**IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS**" meaning I will dismiss from the Police Academy. Going upstairs meaning doing paperwork of my dismissal from employment.

Captain Padilla instructed Detective Santa Lay to tightened my belt against my will. She took me to the bathroom and she tightened my belt against my will. Definitely I would never put my belt like that because of the baby. I was feeling congested on my belly and squeeze on my baby. When I went back to the classroom I can't breath especially when I was sitting it was squeeze my fetus more.

The respondent stated on position statement that Tighten the belt is the part Dress Code Policy after I submitted the doctors note which contain the picture of the pregnant lady holding belly on the heading note on the left heading and Have the letter heading stated "Health Care for Women OB GYN" .

I believed tightened the belt for woman is illegal because woman might be pregnant or bearing a child. But I was the only one was subjected to tightened my belt alone. Captain Padilla instructed all the Hospital Police candidate "every one go back to classroom except Recruit Febrianti" and I was told by Captain Padila "**IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS**".

Also, the other ladies were having big belly such as Officer Minor, and Officer Roberson but I am the only one who subjected to tightened my belt against my will by myself. I strongly believed Captain Padilla knew I was pregnant because of the doctors note I was given to them and have a picture of pregnant woman touching belly on the heading on the left and the name of Clinics "Health Care for Women OB GYN".

In addition I was told during Hospital police academy lectures that I was told the Hospital police department able to retrieve the medical records without authorization of the employee consent. I strongly believe Captain Padilla have knowledge of my pregnancy.

My rights as woman was violated when I am not freely allowing me to use the bathroom while I was assigned to midnight shift restricted post 4 main lobby because as woman we have a monthly sickness(menstruation), during my monthly cycle made me urges to go the bathroom during women cycle . In addition woman condition during period have to changed the menstrual pads in every 2 hours when a woman have heavy flows and not changing the pads will cause infections . Also during periods woman will have urges going to the bathroom more.

My rights as woman was violated when The respondent position statement stated that it is part of "Hospital Security Uniform regulation" but "tightening the belt" and having the belt are 2 different things. I believed in policy said about having complete accessories such as Belt, flashlight, etc. I don't think tightening the belt for woman is part of policy I believed Captain Padilla wanted to get miscarriage or confess of my pregnancy.

Timeline Discrimination Base on Age is ongoing discrimination from October 2021 and ending on 04/12/22 and cause me constructive discharge

The time line age discrimination should started 04/12/2022 because I was discharge on this date base on probationary period(**SEE EXHIBIT L-4**).

In addition, According to my seniority I am not supposed to be assigned to this midnight shift restricted post 4 main lobby.

I was stuck midnight shift restricted post 4 main lobby because of my age. I was refused to work in the morning shift By Captain Melendez in October 2021 according to my seniority due to my age. Captain Melendez said he can not move to morning shift because he had enough female officers who work in the morning shift but In December 10, 2021 he assigned new recent graduate 22th yrs old female officer SULTANA to work in the morning shift(**See Exhibit C-10**).

Also, I was force to involuntarily overtime in order to cover morning shift shortage in October 2021(**See Exhibit S-9**). I don't understand why Captain Melendez just give me morning shift , my shift preference because in October 2021 morning shift have shortage officers.

I have to sign paper I have to do mandated overtime or I will get "Insubordination" from the job (**See ExhibitS-9**). But sometime mandate over time was wrong my list keep going up to me to do it and I told Sgt Rosado about it and he said it's too late to change it I must tell him last night. I believed I did work mandated than other officers.

The midnight shift restricted post 4 main lobby was assigned to me was undue burden because of my age because according to bargaining of my seniority system I am not consider new as respondent said on the EEOC position statements.(**See Exhibit S-7**), "position statement page 2 paragraph 2, line:16-17".

This restricted post 4 midnight shift supposed to be assigned to lower seniority than me which officers who were graduates on December 10,2021(**See Exhibit C-10**). Officer Gomez and Officer Sultana were female officer who assigned to work in the morning shift who were graduated on December 10,2022.

I was graduated from Academy on July 23,2021(See Exhibit C-15) and I was place on this post 4 restricted post at midnights shifts because I am older new officers. Captain Melendez give the opportunity to younger new officers able to bump my seniority to get promoted and better working conditions and I was left out at midnight shifts restricted post 4 main lobby with having the difficulties the accommodation to pray on time and for bathroom relief accommodation and ablutions which leading to my discharge on 04/09/2022.(See Exhibit L-3(email Communication with CEO operation and Hospital Administration) and Exhibit L-4(Letter of termination).

Officer Chapagain who younger than me have the same date of hire on May 3,2021 as me. He able to choose his shift preference on October 2021(See Exhibit C-12 and Exhibit C-13).

I was told by Sgt Blount that "you not going anywhere" meaning I stay at midnight shift restricted post 4 main lobby permanently with difficulties of bathroom accommodation and pray on time.

Officer Smith who have the same date hired me as me he said prefer working at midnight shift and at the time Officer Smith was on the training as central command officer and he was assigned working to patrolling post and rotating job assignment as officer Chapagain as well. I never had the same opportunity the other new younger officers.

(See Exhibit C-17 and Exhibit C-11)Officer Gutierrez who younger than me have the same date of hired as me at May 3, 2021. He already granted the position as AM ER flex schedule officer at post 2 Emergency room unit required only 3 days a week working schedule and off for 4 days in a week and not mandated to work overtime.

Age Discrimination

My age Discrimination timeline should not time barred because it is part and on the time frame of "Probationary period". (See Exhibit L-4, Letter of termination)

Also, the ongoing discrimination occurred which I was given unfair working assignment which I never assigned to patrolling post(Post 8, Post 9, Post 10) and rotating post assignment(See Exhibit T, police memo book), verbal harassment from supervisors, negative working performance(Exhibit Q, Negative performance file), Lack of training and disparate treatment than younger officers (See Exhibit C-19, Post assignment at midnight shift)etc. Since the time period of October-2021 until 04-09-2022.

According to Exhibit L-4 My employment was officially terminated on 04-12-2022 because I am not satisfactorily completed my probationary period.

My probationary period: 05/03/2021---04/12/2022 which include with all of the incidents of discrimination base on Age, woman, retaliation from 05/03/2021---04/12/2022.

This is ongoing discrimination started when I was asked by Captain Melendez to submit the Covid Vaccine Card on September 24,2021 (See Exhibit I, Phone and email communication with Captain Melendez) which contain my age and birthday.

In addition between in or on the middle August, 2021 I have locker room conversation by revealing my age to Detective king. I believed the Detective King not happy because as senior trainer at midnight shift who train new officers, she prefer to train younger new officers(See Exhibit N-6, EEOC Rebuttal Statement page:1) . My locker is side by side with Detective King. At the time Detective King just regular

officer until she replace Officer Philips to work on Central Command on October 2021(See Exhibit C-11,C-12, C-13) Since then I received the negative working performance(See Exhibit Q(negative working performance file)), Unfair working assignment(See Exhibit T(Hospital police memo book)), Verbal harassment from Hospital Police Department and difficult accommodation for bathroom and to pray on time.

Prior Detective King promoted to work on Central command officers I always relief on time to pray by Central Command Officer Philips and Officer Wood(See Exhibit C-13, HP working scheduled).

Detective King told me she have in charge of my working performance filled because she is my midnight shift trainer who train new officers. Many time she came to my post and she said she will put negative working performance on my file. She said "You know it's going to be on your file right". I didn't know what she was talking about. She just angry and upset when she came to my post.

(See Exhibit S-8, respondent position statement page 6) or Exhibit S-5,Page 6. There is a missing exhibit in respondent position statement stated Sgt Desantes said On October 18, 2021 that I failed to check the employee ID who enter into the building in daily basis. The respondent said on their position statement "See Exhibit G" but I didn't see Exhibit G on the EEOC portal. I already notified the missing exhibit to EEOC investigator Miss Madeline McGrath. This statement not true I always stern to check employee ID who enter into the building.

Captain Melendez and Sgt Rodrigues never discussed about I failed to check Employee ID who entered into the building. Many time I was called out to report to the office because nobody relieve me to pray. I was walking out the post in order to pray and to relieve bathroom urges. I only heard about I failed to check employee ID from the respondent "Position statement" only.

In addition Detective King came to me many time she said she will put negative poor performance on my file.

Sgt Rosado never conducted any negative working performance observation with me but according to respondent "position statement" (SEE EXHIBIT Q, Negative working performance file) that the Sgt Rosado who did the observation but I never had conducted any working performance observation with him.

Also from Audit history my working performance was created by Captain Melendez during the day time at 02:42:52 pm by Captain Melendez.(See Exhibit Q, Page : 34 of 36) or (See Exhibit Q-1)

It stated "Transfer from" Captain Melendez and "Transfer to" Sgt Rosado , "Transfer By" Angela Mulett(Associated Director Of HR). Also Sgt Rosado worked at midnight shift and he was not in the office during 02:42 PM. No wonder Sgt Rosado said people upstairs don't like you. He was more emphasized this write-up from Captain Melendez on Human resources and Risk Management office at 14th floor not from him.

Also, my first write-up in October 2021 for walking out the post was signed by Captain Melendez but he denied he gave me write up of walking out the post(See Exhibit D-5,Emails communication with Captain Melendez). He said the write-up "from supervisors" but the facts it was from him. I was asked to Report to come to his office by Sgt Rodriguez and by the time when I went upstairs Detective King and

Sgt Rodriguez were waiting outside the Captain Melendez office and I went in alone . He told me the write-up about I was walking out the post the other day.

Captain Melendez signed my write-up paper in front of me because I walked the post as misconduct the policy because I could not hold my bathroom urges and needed to pray too . He said I must asked Sgt Rodriguez for prayer accommodation and on the same time I requested to work in the morning shift as per Sgt Rodriguez advice me to asked Captain Melendez to request to work in the morning shift because they have more officers to relief me to pray and bathroom accommodation. Captain Melendez said he cannot put me in the morning shift because he has enough female officers for morning shift and In December 10, 2021 He was assigned new recent 22th yrs old female officer (Officer Sultana) to work in the morning shift. This is the clear sign Captain Melendez give favorable to new younger officers.

(See Exhibit Q,Negative working performance file Page : 34 of 36), Captain Melendez can lie about he didn't create the negative performance(**SEE EXHIBIT N-7**) but the computer can not lie and the burden prove of login (**SEE EXHIBIT Audit history, Part of Negative working performance file page 34 of 36**) the negative of working performance was created by him because of my age.

Captain Melendez lie when he said he never write me up on October 2021 when I was called to his office to sign the write-up paper due to I have to walked out the post due to needed to relief my extremely bathroom urges and needed to pray. (**See Exhibit D-5**)

Captain Melendez wrote:

*I should first clarify that I personally never issued you a "written warning" as you mentioned. However, I do know that you have been challenges with the job function of a hospital police officer and have received **pre-disciplinary warning for post abandonment months ago** by you direct supervisors—which is effecting your probational evaluation. Please note that we will continue helping you in the areas of concerns, as we do with any officers having job performance issues*

This statement is false statement made by Captain Melendez, my direct supervisors never gave any "pre-disciplinary warning for post abandonment". **See Exhibit Q**(Negative working performance file), Never indicated I had any warning of "**post abandonment**" in this file. My negative working were indicated that the accusation that I failed on patrolling post assignment task, missing police jacket at my post and refuse to see CCTV by supervisors, absenteeism because unpredicted circumstances when I was call to running late due to stomach issue and exhausted of mandate overtime, train delayed, Uber Driver missed his exit route and he made the u turn and made me late to go to work.

There was none indicated of "Post abandonment" on my negative file because Captain Melendez who the one write-me up for "post abandonment" and sign my write-up papers in front of me when explained to him that I have to walked out the post because nobody relief me for my bathroom urges and needed to pray.

With this statement I strongly believed Captain Melendez has violated his power of authority not telling the truth and made me believed all my negative working performance was made by him and Human Resources.

(**See Exhibit Audit History**) stated that my Negative working performance was made by him (“**Transfer from**” Captain Melendez and “**Transfer to**” Sgt Rosado “**Transfer By**” Angela Mulett(Assistant Director Of HR On 10/22/2021 at 2:42:52 pm, Which Indicated the negative performance was made at the day time. Meaning this negative performance was made by Captain Melendez and Angela Mulett because Sgt Rosado worked at midnight shift and he wasn’t there during the day.

In addition when Sgt Rosado and Captain Laboy discussed about my negative performance on November 19, 2021, they did not discussed about I failed on patrolling post, etc but they said “ I failed twice and People upstairs don’t like you” and “you need one more chance and they will get rid of you”. People upstairs meaning is HR and Risk Management at 14th floor. I didn’t go further and argue because I know from the bottom of my heart is my age was the problem and they prefer younger officers.

Detective King is the senior trainer at Midnight shifts and she said she have in charge of my working performance file and many time she said she will put negative working performance on my file.

Sgt Rosado and Captain Laboy just signed the working performance and they said I was fail on twice(**See Exhibit N-7) OR Exhibit Q(page 1-4)**)

I can prove to the court that the negative working performance is prima facie of discrimination based on my age because according to my memo book I was off on 09-12-21(**SEE EXHIBIT K AND EXHIBIT C-13**) and I never conducted this observation because this observation only assigned to patrolling post officer assignment.

See Exhibit Q (Page 1-4) OR EXHIBIT N-7, My negative working performance I was fail conducted the patrolling post duties but according to Police memo book I was assigned to midnight shift restricted post 4 main lobby On :

09-24-2021(**See EXHIBIT M**) I was assigned at midnight shift unrestricted post 2B according to police memo book

10-06-2021(**See Exhibit N**) I was assigned at midnight shift restricted post 4 main lobby

10-18-2021(**See Exhibit O**) I was assigned at midnight shift restricted post 4 main lobby

10-29-2021 (**See Exhibit P**) I was assigned at midnight shift restricted pos 4 main lobby

(**See Exhibit T**) I never assigned to work as Patrolling post officer(Post 8, Post 9, Post 10)or rotating working assignment like other officers I believed because I reveal my age to Detective King in or between mid August 2021 during locker room conversation. I did not getting the same training as new younger officers and I believed my training not properly given to me because of my age they wanted me to be discharge and disqualified for the job.

Also, I was submitted the covid vaccine which contain my age and birthday to Captain Melendez on September 24 2021(**See Exhibit I**).The respondent stated on position statement said “There was no requirement to submit to provide the supervisor with vaccination card”. But Captain Melendez asked me to submit the covid card to him too which contain my age and my birthday.(**See Exhibit I**)

See Exhibit C- 19 Detective King is the senior trainer who train new officers at midnight shifts. I believed my training at midnight shift was different than new younger officers training (Officer Chapagain and Officer Smith) because I did not finish the training completely and Detective King stop giving me full

training on patrolling post because I did not assigned to work on patrolling post after training like as other new younger officer was assigned to patrolling post the next day and the department started giving me assignment at midnight shift restricted post 4 main lobby. I did not get a chance to work the patrolling post the next day on my own as per younger officers(Chapagain and Smith) were able to complete their training by assigned to patrolling post on their own and They were able to asked any questions they might have but I did not given the opportunity to be train properly because Sgt Rodriguez and Detective king started to assigned me to restricted post 4 main lobby instead.

The first write-up for walking out the post was in October 2021 when I had to walked my post because nobody relief me in order to pray and bathroom urges. I was called to report to Captain Melendez office and he gave me the paper to sign of write up for walking out my post for bathroom urges and needed to pray.

At the time New young officers who have the same date of hire as me (Officer Chapagain and Officer Smith)already assigned working at patrolling post assignment (Post 8, Post 9, Post 10) and have rotating job assignment with other officers.

I was assigned in Midnight shift restricted post 4 main lobby most of the time and I encounter having difficulties to be relief to pray on time and bathroom accommodation. One time I was told By Sgt Blount I have to hold my bathroom and need to provide doctors note in order to go to the bathroom.(See Exhibit F, Paragraph 4)

Detective King, Sgt Rodriguez and Captain Melendez did not give me the same opportunity like others new young officers(Officers Chapagain and Officer Smith) to learn more and assigned to patrolling post and rotating working assignment after training. I am strongly believed because of my age.

During training usually the officer should assigned patrolling post assignment the next following day or week to learn more and can asked any questions the officer might have regarding patrolling post assignment.

But in my situation the training not properly done because after training I didn't assigned for patrolling post(Post 8, Post 9, Post10) like any other new officers (Officer Chapagain and Officer Smith). I was place at midnight shift restricted post 4 main lobby most of the time and sometime I work at Post 2A and post 2B. I never assigned to patrolling post since I work there.(See Exhibit T)

In or October 2021 I received the first write-up from Captain Melendez for walking out the post in order to pray because I was place to work on post 4 midnight shift restricted post which give difficulties for me for prayer and bathroom accommodation.

(See Exhibit Q) On November 19, 2021 I received the first negative working performance from the department.

See Exhibit L: (Exhibit Q Page 1-4)Annual Competency Check

Competency	Date Observed	Pass/Fail/Not Applicable
Officers are...Code Pink Alarm book(see Exhibit K)	09-12-21	Fail : I am off according to police memo
Cancel Code Pink...	09-24-21	Fail: I never did this observation(Exhibit M);

Officer Detain...	10-6-21	Fail: I never did this observation(Exhibit N);
Dispatch officer to investigate	10-18-21	Fail: I never did this observation(Exhibit O)
All officer...IPS area..	10-29-21	Fail: I never did this Observation(Exhibit P)

These statement are false statement . I always work on the same post (post 4 and post 2B and post 2A sometime). This observation was for patrolling post officer assignment. I never assigned to do this code pink alarm. According to my Hospital police memo book I did not do this observation.

The Incident on September 12,2021 was prove of respondent has create the prima facie discrimination based on my age because according to my police memo book I was off that day. **See Exhibit K AND EXHIBIT C-13**

I never assigned to patrolling post because the department did not wanted me to grow and the department only give the opportunity to new younger employees. I believed my training not done and Detective King stop give me the opportunity to train me completely due to my age I left behind on midnight shift restricted post 4 main lobby with difficulties of bathroom accommodation and pray on time.

I believed I was given the negative evaluation(**SEE EXHIBIT Q**) because they do not wanted me to grow. I never given the opportunity like other new younger officers. I never assigned to patrolling post and any other rotating job assignments such post 8, post 9, post 10 instead I always assigned to Midnight restricted post 4 main lobby where I was having the difficulties in order to use the bathroom and pray

I don't have the same opportunities like other new officers because of my age.

There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYC Health+Hospitals on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021.(**See Exhibit C-14 and C-15**)

(**See Exhibit C-12 and Exhibit C-13**)For example Officer Chapagain. He is younger than me and He was hired on the same date as me on May 3, 2021 but he already have opportunity to choose his shift preference to tour 3 (03:30 pm- 12 am) in October 2021 and work in rotating job assignment but the hospital police department never let me to choose my shift preference and work on patrolling post and rotating job assignment where is more desirable working assignment because of my age. This patrolling post is freedom post for bathroom and prayer.

I already work there almost a year on April 09, 2022 but On the respondent "Position statement" stated the reason I was put on midnight shift restricted post 4 main lobby because I am new (**See Exhibit S-7 or Exhibit S-5, Paragraph 2**) but I am not new according to my seniority, officers who were graduated on December 10, 2021(**See Exhibit C-10**) supposed to be assigned to Midnight shift restricted post 4 main lobby but because they were younger than me Captain Melendez give them more opportunity to grow and left me in midnight shifts restricted post 4 main lobby with difficulties to pray on time and bathroom accommodation because I am older new officer.(**See Exhibit C-15 and Exhibit C-14**)

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age.(See Exhibit C-13 and Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me as May 3,2021 and he already granted the promoted to the position as Flex schedule officer which only required 3 days a week working schedule for 12 hours shift. Officer Guiterez transferred to NYPD in or December,2021.(See Exhibit C-17 and Exhibit C-11)

Officer Smith was younger than me he assigned working at Patrolling post in the beginning of September 2021 and rotating job assignment (Post 8, post 9, post 10 and training as central command officer starting from September 2021(See Exhibit C-13 and Exhibit C-15). But he leave the Department because he got a new job.

I don't have the same opportunity like other new officers who were younger than me working on rotating work assignment because I was left behind at midnight shift restricted post 4 main lobby because I am older new officer. On the respondent Position statement stated that I was place on restricted midnight shift post 4 because I am new (SEE EXHIBIT S-7)but I am not new there. They were people who new and younger than me and graduated on December 10, 2021(See Exhibit C-10) considered new but they were already give the same opportunity within one months to work on rotating post assignment and patrolling post and have the opportunity to grow ability to choose their shift preference but I was stuck in restricted midnight shift post 4 main lobby which it was not accommodated me for bathroom and pray on time leading to my discharge on 04/09/2022.

According to my seniority the midnight shift restricted post 4 main lobby assignment on 04/09/2022 should assigned to lowest seniority officers who were graduated from Hospital Police Academy on December 10, 2021(See Exhibit C-10) I requested to move to morning shifts but my requested was denied because Captain Melendez said the department has enough female officers in the morning shifts but I found out on December 10, 2021 he place new 22 yrs old female officer(Officer Sultana) to work in the morning shift(Tour II).

Retaliation

I believe the defendant refuse to hire me As Hospital Care Investigator List; 604(See Exhibit L-2) , because my internal religious discrimination allegation complaint against Detective King(See Exhibit B) and Tour 1 Commander(Sgt Rodriguez) (See Exhibit A). I was complaining about religious discrimination in my department between (February 25 -April 9,2022) and it is almost the same time I should received the job offer letter in the mail and email for my civil service position for Hospital Care Investigator title, for the List : 604(See Exhibit L-2) .

I believed the undue hardship incident cause my discharged on 04/09/2022 was created in order to protect the company from the burden of religious , age, woman and retaliation case of discrimination case in the future and created the misconduct on my file as irresponsible employee.

See Exhibit N-2 I sent the email to the CEO operation and Hospital administration On 04/07/2022 that expressing my believed that the department had been retaliate against me when Central Command

Officer Wood and Sgt Rosado said they were not longer willing to accommodate my early prayer time anymore. Sgt Rosado said Sgt Rodriguez instructed all central commands officer and supervisors from now on I will be relief late to pray. Sgt Rosado said I will be relief at 0513 am and I told him that time will be late for me to pray. There were no "Undue Hardship" incident happened if there was I will be know about it because the radio no indicated there was "Undue Hardship" all the incidents at Hospital Police Department was communicated through the radio. Sgt Rosado stated that " I am sorry no more early prayer time for you anymore" and I told Officer Wood I will be walked out from the post if nobody relief me to pray and He said if you do you will get write-up for walking out the post. (See Exhibit N-2).

The respondent can lie to EEOC about undue hardship but they cannot lie to me because I know the undue hardship was premediated because of the email I sent to CEO operation and Hospital administration regarding I believed they were retaliate against me for filling religious internal complaint(See Exhibit N-2).

On March 27, 2022 I filled the internal complaint through email to Captain Melendez(See Exhibit B) regarding Detective King did not "attempted" to relief me to pray on time (she did not call any other officer on the radio to relief me in order to pray) meaning she was not attempted to accommodate me to pray (See Exhibit B). My prayer was late for 20 mins.

Also, My internal religious complaint was delayed for the response and it take 36 hours gap in order Captain Melendez to response my internal religious complaint. I sent email of March 27,2022 @ 0803 pm(See Exhibit B) and the next email reply was March 29, 2022 at 09:39 am (See Exhibit C).

I sent the email complaining to Captain Melendez regarding Detective King behavior I did not received the reply from Captain Melendez on that email until I saw him passing on post 4 main lobby on March 28,2022 at 06:00 am(See Exhibit G) and I asked if he received my email and he said yes and he said " The department not able to accommodate the early prayer all the time".

I sent him another email on March 28,2022 @0855 pm asked him if he will made the statement in writing regarding our verbally communication that the department not willing to accommodate the early prayer time all the time(See Exhibit G).

On February – April 09, 2022 I had been having dispute in my department regarding my difficulties accommodation in order to pray. This time period almost the same time I should receive the mail or email about Hospital Care Investigator List:604 Civil Service Job offer. I believed the defendant refuse to hire me as Hospital Care Investigator because My religious Discrimination complaint against Detective King(See Exhibit G, Exhibit B and Exhibit N-2, Exhibit F) and Tour 1 Commander(Sgt Rodriguez)(Exhibit A).

Approximately between March 1, 2022 - March 03, 2022 I was told By Captain Laboy to go to OHS 6th floor to Dr Wilby Office to take care some medical clearance or I will be relief from duty if I did not take care the clearance.

On march 4,2022 I went to Dr Willby(OHS office) I met the lady her name is Mahmuda and her list# 586. She said she was there at OHS for physical examination for Hospital Care Investigator position at NYC Health+Hospitals. I told her that My list # 604 for Hospital Care Investigator but I never received anything in the mail and email. She said I will received it soon maybe because her list number was higher than

me. I told her I took the exam On September 09, 2019 and she said she did take the test on the same day too.

She said she received the job offer in the mail and email and she show me her(**Exhibit S**) of her Hospital Care investigator List# 586 with her name, her address and her list number and the address to go for background interview with the time and the date of appointment written on the paper. The paper similar with my **special officer** job offer which I was received on November 2020(**Exhibit S**).

Mahmuda List #586 said she received letter in the mail and email with her name and her list number and the address where she need to go to finished the paperwork.

I never received nothing in mail or email from the respondent regarding my Hospital Care Investigator List : 604 . I believed the respondent refuse to hire me as Hospital Investigator because I was filling the religious internal complaint to Captain Melendez between February- --April 09,2022(**See Exhibit A, Exhibit B, Exhibit G, See Exhibit F, See Exhibit N-2**) almost the same time I should received the job offer in mail or email but because I filed the religious internal complaint the respondent refuse to hire me as Hospital Care Investigator List # 604 . In addition I believed I disclosed my discrimination lawsuit against my former employer during psychological virtual interview on April 17, 2021(**See Exhibit R**) made the respondent not willing to hired me because of my protected activity.

In addition I was revealing my protected activity status when I was asked uncomfortable question during my virtual psychological interview for special officer position in NYC Health+ Hospitals in April 17,2021(**See Exhibit R**) . I was asked if “do you have any court proceeding” and I said yes I have discrimination lawsuit against my former employer in 2015.

(**See Exhibit S**)DCAS procedure of all Civil Service Jobs (All city jobs) procedure that the respondent supposed to send the email and mail to my home address with my list number and my name supposed to be written on the paper with the address where I suppose to report to complete the paperwork. Also on the mail the defendant should asked if the email address was correct or if it's not correct or call the NYC Health+ Hospitals office if need to update the email. I never received email or mail send to my home address for Hospital Care Investigator Position List #604.

See Example Special Officer Civil Service candidate list sent through to my home address me in 2021 (**See Exhibit S**).

Age Discrimination

I believed the respondent has giving more the opportunities to new younger officers. I am older new officer and that is the reason why they have a plan to get rid off me because of my age:

- (**See Exhibit T**)Giving me unfair working assignments (Restricted Midnight shift Post 4, never have rotating job assignment, never have the opportunity working at patrolling post(Post 8, Post 9 and Post 10). Permanently assigned to midnight shift restricted post 4 main lobby since the end of January 2022 when Sgt Rodriguez remove unrestricted post 2B from my regular assignment
- **See Exhibit S-10,(See Exhibit B-4, Exhibit B-5, Exhibit C-8)**Vacation forms was given last minute On April 07,2022 By Sgt Rodriguez because they have initiated to discharge me by create “undue hardship” incidents so before they discharge me they wanted to cleanup the mess by giving me

the vacation forms with the Name of Officer Haigler on it. Prior this incident I was told I will not get the vacation form to filled out last January – March 2022 because I was told I will get leftover vacation. Sgt Rodriguez trying to erase my negative working performance docs on 04/09/22 by asking the password of my employee account but indeed my negative working performance was erase from my account but the initiated to create “undue hardship” so they can discharged me without undue burden of age discrimination in the future. But I have the copy of negative working performance prior the deletion inside my locker

- **(See Exhibit Q-1 or Exhibit Q, Page :34)** The Audit History stated that Negative working performance(See Exhibit N-7) created by Captain Melendez right after I was submitted the covid card which contain my age my birthday on it(See Exhibit I). From the audit history stated **“Transfer From”** Captain Melendez To **“Transfer to”** Sgt Rosado, **“Transfer By”** Angela Mulett(Assistant Director of HR) at 10/22/2021 by 2:42;52 pm. This is prove the negative performance creating by Captain Melendez and HR because Sgt Rosado worked at midnight shift and Sgt Rosado didn’t work at 02;42 ;52 pm. The time show the negative performance was made at 2;42 pm by Captain Melendez and HR.
- **(See Exhibit A-1)** Treat me differently than others officers when I was told By Sgt Blount, Sgt Rodriguez, Sgt Desantes that I am not allowed to look at the surveillance cameras when My jacket was missing from unrestricted post 2B on January 11,2022. All my supervisors allowed Officer Robinson saw the surveillance camera but I was refuse to look at the surveillance camera by Sgt Blount and Sgt Rodriguez I was treated differently because of my age. Also This write-up information was misleading. I did not lose my jacket while I am doing my patrol because at 0400 I just came from lunch and I had my jacket on. I lost my jacket after I finished the patrol of my assigned area and I was sitting down and taking off my jacket because I felt warm and sudden incident happened on post 2B and I have to jump from my chair when patient started aggravated and he try to take his IV off and try to leave his bed. I block him from leaving the area. I was helping and the nurse and doctors to put the patient back to the bed and escort the doctors and nurse bring the patient to triage rooms. I believed the incident approximately happened around 0415-0425 am. I leave my jacket approximately for 10 mins on my chair post 2B. I believed Detective King should know when this person taking my jacket because all of ER staff and officers was at triage room and she was assigned at Central Command while the incident happened and I believed she was observe this individual who stole my jacket from CCTV camera but she wanted to get written up for misconduct and when I called upstairs regarding my missing jacket and request to look at the CCTV , I was refuse to look at CCTV by Sgt Rodriguez, Sgt Blount and Sgt Desantes.
- Giving the younger new employees more favorable working condition and opportunity to grow(EXHIBIT C-17, Exhibit C-13)new younger employees got the chance to be promoted, better working condition)(See Exhibit S-1) or part of rebuttal document page 4-5,Officer Gutierrez got promoted for Flex officer in the morning shift
- Discrepancies of my Negative working performance is the burden prove of prima facie of discrimination base on my age (Unfair Write-up not on my post job description(SEE EXHIBIT Q) , (See Exhibit S-12)
- **(See Exhibit S-8 or Position statement, PAGE;6)** Accusation not performing the job by failing to check the employee ID(Missing Exhibit G on respondent position statement) /Notified EEOC

investigator Madeline McGrath regarding the missing exhibit. This is not true statement I always stern checking employee ID

- **(See Exhibit T)** Refuse me to have rotating working assignment and work according to my seniority (Put me on Restricted Midnight shifts Post 4 Main lobby) because of my age
- My request denied to move to morning shifts by Captain Melendez and according to my seniority I supposed to work in the morning shift and I was force working at midnight shifts restricted post 4 because Captain Melendez prefer young officers to work morning shift(**See Exhibit C-10**)
- **See Exhibit C-10** Captain Melendez Denied to let me work on my shift preference (Morning Shifts) because he said he has enough female officers in the morning shift but In December 10, 2021 he assigned 22th yrs old New female Officer (Sultana) to work in the morning shift
- Verbal harassment referring to my age discrimination from supervisors and respondent position statement page 7 or "her lack assistance will injure herself and staff members" (**See Exhibit S-12, position statement**) during verbal roll call "We need strongest person possible", "Mc Donald is hiring", "you failed", "don't get your attitude you're on probation". "this is it's going to be on your file"
- Denied the bathroom is type of harassment due to my age and made me not able to go anymore (Constipation) when I hold it for too long and cause constipated and stomach pain for many days. During period did not able to change the pads cause yeast infection.

See Exhibit S-12 On respondent position statement on Page 7 stated:

Charging Party, did not posses the necessary skill set to be effective Hospital Police Officer and her lack assistance during emergency calls will results injury to herself or other staff members

Charging party did not take instructions well and assisted co-workers in emergency situation effectively

I am strongly believed This statement clearly referring to my age many time during roll call Sgt Rodriguez said "We need strongest people possible". They believed because of my age I am not strong enough.

I believed my age was the significance of factor by refuse me to be part of the team. Hospital Police Department should be in one team not left me out and think I will injured myself or other staff members because of my age.

In hospital police academy I learned that we only can get terminated only if: misuse police power to beat people up, smoking, drinking, lying not by some negative supervisors opinion that I will injured myself or other staff members . I never done any misconduct by smoking, drinking, possessive of substance . I strongly believed and I know for sure that my age was the negative side in the hospital police department.

In addition I never injure myself or other staff members during my present when I was on duty. Many time I was told to leave the scene by Supervisors on duty or central command or to go lunch early during 10-8 incidents(Undue hardship Incident) because the department underestimated me because of my age and I am so sad and I know they prefer new younger officers but I need a job.

I look bad in CCTV camera but my job was limited and I have to follow the instructions what the supervisors or central command to do. If they said I am not good enough because they were limited to train me to be good as younger officers were train.

I realize I was train in different procedure than other new younger officers(Officer Chapagain and Officer Smith). I did not give the opportunity to learn more about patrolling post and some of the training was skip from me in order for me not to learn completely.

(See Exhibit C-19) at Post 8 @03:15 For example In approximately in the middle of August 2021, Detective King skip some the procedure of midnight shift training for post 8 in order for me not to learn completely .When she train me on post 8 assignment , There were part of post 8 assignments must relief central command officer for lunch and break. She skip the procedure to teach me on that part when she was about to relief central command officer for lunch or break, she asked me to sit at ER post 2 and Post 4 main lobby. She did not wanted me to learn the central command central operate.

When I was on training on post 8 with Officer Hewitt in morning shift, She did not skip any procedure of central command officer training and how to operated completely and she took and teach me to central command procedure how to work on Central command in the morning shift.

Detective king and the department not giving the same opportunity like other new younger officers(Officer Chapagain and Officer Smith) to learn more about the job and she wanted me to be discharged by create negative working performance in my file because I am older new officers.

See Exhibit S-12 On the respondent position statement said the Department believed that my present will injured myself and other staff member was the insult because of my age. They were not welcome me as part of the team because of my age. They believed because of my age I was weak can not able protect myself and staff member.

If I was ever injured before maybe can take some consideration of it but I never injured myself or injured the staff members on my present.

This statement not the facts and this statement base on opinion but the department underestimated me because of my age. The opinion can be biased because of my age. Even though If I was injured before the department can not just blame me for being injured as part of being fail as Hospital Police Officer meaning we have to work in the teams.

Also, I was told I have to follow instruction of the supervisors duty and central command. Many time during 10-8 incidents(Undue Hardship) I was told to verbally to back off by Supervisors on duty and central command or asked me went to lunch early. It's not undue hardship was worry them because of my age I am not welcome to be part of Hospital Police Team as new officers they prefer younger officers.

For me I was obligated to work midnight shift because they don't want me to grow and have the same opportunity like another young new officers. Other new officers who were younger than me already given the opportunity to move to another shift(Officer Chapagain) in October 2021(**See Exhibit C-12 and Exhibit C-13**)and have rotating working assignment. Not like me I was left alone at restricted midnight shift post 4 main lobby permanently without bathroom accommodation and giving me difficulties to pray. I was giving unfair working condition and negative working performance by supervisors at midnight shift(**See Exhibit Q**). Many time during roll call they said " We need the strongest people possible". I

believed because of my age the department think I am not strong enough to be Hospital Police Officer. Many time Captain Laboy was yelling during roll call he said "MC Donald is hiring", "Don't get your attitude here, You are on probation", "you failed".

One time Captain Laboy , Sgt Desantes , Officer Martinez were ridicule me during roll call they said "You failed" and Captain Laboy was laugh so hard with tears with Officer Martinez during roll call.

In or on October 2021, my request to work in the morning shifts was denied. Most of the officers who work on midnight shift because under their shift preference. For me I prefer to work in the morning shift but I requested Captain Melendez to transfer to morning shift and my request was denied because he said he had enough female officers but On December 10, 2021 I found out he place 22th yrs old female officer Sultana to work in the morning shift(**See Exhibit C-10**). Also, base on my seniority midnight shifts restricted post 4 main lobby suppose to be assigned to lower seniority who were graduated on December 10, 2021(**SEE EXHIBIT C-10**). But because of my age I did not allowed to develop and have the same opportunity like other new young employees because of my age.

I was told by Captain Melendez that he can not put me in the morning shift because the department has enough female officers but I found out In December 2021 he place 22th yrs old female officer(Officer Sultana)who less seniority than me to work in the morning shifts(**SEE EXHIBIT C-10**).

(See Exhibit N-7) I was given negative working performance and there are many Discrepancy of my write up papers I was given written up papers about patrolling post assignment but I never work at patrolling post assignment.

(See Exhibit Q) I was given the negative working performance that I was failing to performed my job duties on my days off on 09-12-21 (**See Exhibit K and Exhibit C-13**)and I am off according to police memo book meaning those negative working performance was created by the management(Human Resources) to give me negative working performance so they were able to get rid off me because of my age without having undue burden of age discrimination to the employer.

See Exhibit Q, Negative performance file (Page 1-4), My negative working performance I was fail conducted the patrolling post duties was pretext of prima facie of discrimination based on my age because according to Police memo book I did not do this observation and I was assigned to midnight shift non patrolling post(Post 2B and Post 4).

09-24-2022(**See EXHIBIT M**) I was assigned at midnight shift unrestricted post 2B according to police memo book

10-06-2021(**See Exhibit N**) I was assigned at midnight shift restricted post 4 main lobby

10-18-2021(**See Exhibit O**) I was assigned at midnight shift restricted post 4 main lobby

10-29-2021 (**See Exhibit P**) I was assigned at midnight shift restricted pos 4 main lobby

According to my police memo book I did not assigned to these observation because this observation was patrolling post assignment (Post 8, Post 9, Post 10). My post were assigned on unrestricted post 2B and restricted post 4 main lobby.

(See Exhibit S-8)Missing Exhibit from Respondent "Position Statement" "Exhibit G" missing from the EEOC portal. They accusing me that I have negative working performance about I am not performing my

job duties by not checking the ID for employee who enter into building but all of that was the accusation because of my age. Because of my age everything were negative because they prefer new younger officers. I always stern to perform my job duties check ID and performed my job duties like any other officers.

Religion	Woman	Age	Retaliation
On the date I was discharge on 04/09/2022 Sgt Rodriguez more emphasize on I am violated the company policy rather than willing accommodated my prayer time because by the time I was walked the post at 0458 am the condition at my post was safe and clear. Supreme Court said the employer must accommodate employee religious beliefs obligation except loss deficiency and substantial cost to the employer operation. None of this situation apply to the respondent. Sgt Rodriguez emphasize more on the subject of misconduct of the policy that I broke Company policy by leaving my post. he believed Allah commands to pray on time can overrule his commands not to leave the post when nobody relief me to pray. I need 10-15 minutes accommodation to pray on time not considered undue hardship because my post safe and clear. Supreme Court dissent	Dr. Willby stated that I have to hold my intention to be pregnant for 3 months in order to be hired with NYC+Health+Hospitals because I required to take 2 MMR vaccine policy in order to be hired. The vaccine will cause harm to the fetus/ baby. I was asked to sign the paper of the consent that I might refrain to be pregnant because the vaccine will harm to the fetus. The respondent (Dr, Wilby) Failed to accommodated to waive the requirement and force me to take the vaccine when I told Dr.Willby I have intention to be pregnant. Dr Willby said if I did not take the vaccine I will not getting a job. I was force to take the MMR vaccine against my will. On June 19, 2021 I was accidently pregnant and my fetus have no heart beat. (See Exhibit N-3)	The respondent give new younger Officers more favorable working assignment than me . I am considered new Officers but I am older new Officers compare with the other new officers who were graduated together with me (See Exhibit C-15)and officers who were less seniority than me who were graduated On December 10,2021(See Exhibit C-10) . When I request to choose my shift preference(Morning Shift)in October 2021 my request was denied By Captain Melendez because he said he had enough female officers in the morning but I found out in December 10, 2021 he give the Morning shift to New female Officers (22 yrs Old Officer Sultana)who just recently graduated from Hospital Police academy (See Exhibit C-10) who younger than me and has less seniority than me . Respondent stated on the position statement the reason I was put On Midnight restricted on Post 4 main Lobby because I am new(See Exhibit S-7)or Respondent position statement, Page 2, but I am not new there compare with they were several officers who were graduated in December 2021 (See Exhibit C-10). New Officers already granted rotate post assignment	I have rights to be free from retaliation (See Exhibit B and Exhibit C) I believed the respondent refuse to hired me as Hospital Care Investigator List:604 (See Exhibit L-2)because I filled the internal religious complaint allegation Against Sgt Rodriguez, On February 25,2022 (See Exhibit A)and Detective King on March 27, 2022 (See Exhibit B),March 29, 2022(See Exhibit C)On April 07, 2022(See Exhibit N-2). I believed within this time frame(February -April 9,2022), I

Religion	Woman	Age	Retaliation
<p>on Abercombie V Elauf it's company policy not to wear headscarf but the company aware Elauf wear for her religious beliefs. Company should accommodate her religious obligations as long did not cause loss deficiency and substantial cost to the company expense. My early prayer time did not cause loss deficiency because my post safe and clear and Company don't have to pay anyone or me to cover or pay for premium wages in order to pray for 10-15 minutes prayer accommodation. Respondent aware Sgt Rodriguez and the rest Hospital police Department has violated title VII employment based on Religion from my internal complaint against Detective King(See Exhibit B) and Sgt Rodriguez(See Exhibit A)and the respondent try to cover up put the blame on me by creating of "undue Hardship" instead to fixing to the better working condition. The respondent can say "undue hardship" I need to see it with my naked eye. My post was safe and clear I just need 10 minutes prayer accommodation to pray</p>	<p>Discharge Warning during my pregnancy while I am on probationary period (Hospital Police Academy). I was told by Captain Padilla "IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS". Going Upstairs meaning taking care of paperwork of the employment discharged after submitted the doctors note regarding my June 25, 2021 GYN doctor visit, with the heading have pregnant woman holding the belly on the heading note and the Clinic Name stated on the heading " Health Care for Woman OB GYN".</p> <p>Captain Padilla instructed Detective Santa Lay to adjust my belt and Tighten the belt during police academy after submitted the note with the picture of pregnant holding the belly and on the heading note Mentioned " HEALTH CARE FOR WOMEN OB GYN". Detective Santa Lay took me to the bathroom and she adjust my belt. I will never tight belt so</p>	<p>and working at morning shift and compare with the other officers but for me I was place in midnight shift restricted post 4 main lobby permanently in the end of January with difficulties accommodation to pray and bathroom accommodation.</p> <p>(See Exhibit T)I Never have rotate working assignment(Post 8, Post 9, Post 10) like any others officers and the respondent put me permanently working at Midnight shift restricted post 4 main lobby in the end of January 2022 which give me difficulties to pray on time and bathroom accommodation.</p> <p>(See Exhibit Audit History) or Exhibit Q page 34 of 36)From Audit History I can see that my negative working performance was created By Captain Melendez right after I submitted my covid card which contains my age and my birthday on September 24, 2021(See Exhibit I) The Audit story stated that "Transfer from" Captain Melendez to "Transfer to" Sgt Rosado on 10/22/2022 and "Transfer By" Angella Mullet (Assistant Director Of HR) at 02:42:52 pm. This negative performance was created by Captain Melendez because Sgt Rosado worked at midnight shift he wasn't there on day time.</p> <p>(See Exhibit C-10) Captain Melendez in or on October 2021, he said he can not move me to work to morning shift</p>	<p>should received the letter in the mail from the respondent regarding my Hospital Care Investigator civils service position in the mail or email. I never received anything in mail or email. I met a lady on OHS office and she said was there for physical examination for Hospital care Investigator and she said she received letter in the mail and email about the job offer but I didn't received anything in the mail or email. She show me her Exhibit S of her Hospital Care Investigator List #586.</p> <p>The defendant Refuse to Hire as HCI List#601 because of my protected activity during Psychological Virtual</p>

Religion	Woman	Age	Retaliation
<p>on time and my post was safe and clear. Even Central Command Officer Jones stated on the phone "The relief was coming to my post" meaning there is no "Undue hardship" in here.</p> <p>Intentionally not willing to accommodate my prayer obligation to pray on time(See Exhibit A and Exhibit B) by Remove unrestricted Post 2B from my assignment in the end of January, 2022 where this post give me accommodation to pray. In the end of January 2022 the department put me on restricted Post 4 main lobby where not accommodated me to pray on time and bathroom ablutions. The respondent have knowledgeable by remove my assignment from unrestricted post 2B to restricted post 4 main lobby will cause constructive discharge on me</p> <p>Sgt Rodriguez(Tour 1 Commander) and Captain Melendez failed to accommodate me in order to pray on time(Exhibit A) by Denied my intention transfer to morning shift when the morning shift will be accommodating to pray on time due to</p>	<p>tight like that because I have the baby inside but I need a job. On the same day at 5 pm I saw blood discharged and stay in ER 14 hours and I was diagnosing Miscarriage (See Exhibit N-5)</p> <p>-----</p> <p>I believed denied the bathroom condition for woman is illegal because woman have monthly cycle menstruation. The respondent said I was denied the bathroom because I failed to accommodate the Doctors note in order to be accommodated(See Exhibit F, Paragraph :3) but I am woman sometime I have my period and I need to change the pads because It will cause the infection if I didn't change it. Also, during my menstruation I had urges to go to the bathroom more.</p>	<p>due to he has enough Female officers work in the morning shift but I Found out on December, 2021 he place 22th years old female officer(Sultana) to work in the morning shift(See Exhibit C-10) .</p> <p>Based on Seniority Post 4 Midnight Shift belong to Sultana or anyone who graduated on December 2021(See Exhibit C-10). I was refuse to work in the morning shift by Captain Melendez due to my age. I was force to stay at Midnight shift restricted post 4 main lobby with having difficulties for bathroom relief and pray on time.</p> <p>I was given the accusation of poor performance on patrolling post task which inaccurate(See Exhibit N-7 or Exhibit Q Page 1-4). I never assigned to patrolling post such as Post 8, Post 9, Post 10(See Exhibit T)</p> <p>I was given the dated when I was performed the poor working performance but According to my memo book I was off on 09-12-21(See Exhibit K and See Exhibit C-13)</p> <p>Detective King said she have in charge of my file I believed my file was created by her because she was acting differently after I told her my age range during locker room conversations In august 2021 during ladies locker room conversation.</p> <p>Missing Exhibit on respondent position statement regarding</p>	<p>Interview on Special Officer(See Exhibit R). I was asked if I have any court proceedings and I said yes I have filled discrimination lawsuit against my former employer in 2015.</p>

Religion	Woman	Age	Retaliation
<p>the time and schedule breaks and also central commands officer morning shift more accommodating to pray on time than Midnight shifts supervisors</p> <p>-----</p> <p>(See Exhibit Hadith) I believed denied the bathroom can type of discrimination base on my religious belief too because there is hadith that it is not permissible for a person to start praying when he is resisting the urge to urinate or Defecate, because the Prophet Muhammad SAW said "You should not pray when food is ready or when resisting the urge to urinate or defecate"(Narrated by Muslim In his Saheeh)</p>		<p>my negative working performance such as failed to check ID on October 18, 2021 and let intruder to enter into building but why Captain Melendez or supervisors never discussed about I failed to check employee ID while I was on duty over there.</p> <p>Also this accusation not mentioned and discussed during while I was on duty By Sgt Rodriguez and Captain Melendez but only mentioned on the respondent position statement.(See Exhibit S-8) Many time I was called to report to the office because I was walking out the post because nobody relief me for bathroom urges and pray on time.</p> <p>I always stern to check ID for employee but Detective King come to my post and she said she will put negative working performance on my file.</p>	

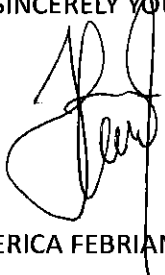
I believed the 04/09/2022 undue hardship discharged incident was well organized by CEO operation and Hospital Administration to cover their undue burden of discrimination allegation in the future.

Pretext Undue Hardship, negative working performance, unfair treatment of working assignment

- Retaliation email on 04/07/2022 from me to CEO operation and Hospital administration cause the respondent create "Undue Hardship "Incident
- The respondent aware I will walked the post on 04/09/2022 because I sent the mail on 04/07/2022 on the mail I asked permission to walked the post if nobody relief me to pray
- The respondent "attempted "to me to walked the post On 04/09/2022 because on 04/07/2022 the department said they were not willing to accommodated early prayer time anymore
- I sent email to CEO operation and Hospital Administration but my email was ignored, I only received email from Captain Melendez that I was accommodated at 0500 am by Detective king
- There's no effort from CEO operation and Hospital Administration try to fix the situation whether put me on Morning shift or put me back to unrestricted post 2B where I will able to pray on time

I believed the respondent had been discriminated against base on my religion, age, retaliation, my sex, female, in violation of Age discrimination Act of 1975, as amended and violation Title VII of the Civil Rights Act 1964, as amended.

SINCERELY YOURS,

A handwritten signature in black ink, appearing to read 'Erica Febrianti', with a large, stylized initial 'E' and 'F'.

ERICA FEBRIANTI

RECEIVED

The Joint letter OF Management plan addressed to SDNY and Respondent

EEOC Original Submission April 13,2022(See Exhibit L-5)

2025 JAN -6 PM 11:57

US DISTRICT COURT SDNY

ACTIVITY IN CASE 1;23 CV-06175 JLR FEBRIANTI V. NYC Health&Hospitals

The Discussion & Management Plan

(See Exhibit L-3) There was no undue hardship on 04/09/2022 while I was praying on my religious discrimination case because Officer Martinez called me on the radio from central command phone approximated at 0509 am while I was praying and I spoke to officer Jones at 0458 am from central command phone to notified her that I will leave my post in order to pray because nobody relieve me to pray.(See Exhibit L-5).

They have plotted and planned to discharged me under undue hardship but Allah is the best planner. When I arrived to 8th floor hospital headquarters Sgt Rodriguez came out from central command and I heard many officers at central commands office chit chatting and laughing usually it was only one officer needed for central command office at midnight shift.

I give my bulletproof to officer Wood when I called to open the door at 8th floor door because I already give The key to Sgt Rodriguez.

I leave my post at 0458 am on 04/09/2022 and The department had 5 unnecessary officers on 04/09/2022 between approximately 0500-0530 am included Sgt Rodriguez at central command station HP Headquarters(officer wood, officer Jones, officer Martinez, Detective king) which they supposed to relieve me to pray instead of chitchat doing nothing. One of them supposed to relieve me to pray. One more time I would like to tell the court and wallahu al azheem there was no undue hardship. Allah is my witness. My post save and clear. I was confused when the respondent said undue hardship to the employer.

I heard their voice of many officers at central command when Sgt Rodriguez opened the central command door when he sees me on the camera when I arrived from 12th floor from the mosque after the radio distracted me during my prayer asked me to report to roll call office at 8th floor Hospital Police

Headquarters.

There was no undue hardship but the department was busy to discharged me. Approximately At 0509.

I heard the radio to 10-2 meaning report to misconduct of praying. Approximately At 0515 talking to Sgt Rodriguez that I was asked to choose God or a job in order to work there(**See Exhibit L-3**)

Approximately At 0525 officer jones called me in the locker from central command that they needed the hat badge too. Approximately At 0530 I give my bulletproof, police memo book, my badges to officer Wood.

So definitely the officers & Hospital Police department was busy to discharged me. Detective king was not say much because she was there at central command office when the department was there for her and prepare for my discharge because of my internal religious complaint against her.

On 04/09/2022 we have additional officers that night because we have post 7 (**See Exhibit C-19**) stated that on this exhibit that post 7 assigned only if we have more officers and post 2b was assigned to officer chapagain. Post 2B supposed to work on ER only not moving officer or responding the call outside ER but that night post 2B was assigned to somewhere else. Post 2B supposed to relieve me to pray. But nobody relieved me to pray But my post safe and clear and once again I would like to tell the court that I leave my post at 0458 am (**See Exhibit L-3, See Exhibit L-5**). As per original EEOC complaint submission at April 13, 2022 I told EEOC that I leave my post at 0458 am when nobody relieved to pray(**See Exhibit Exhibit L-5**).

On respondent position statement said according to Captain Melendez said that I leave my post at 0445 am. This statement was false statement he wasn't there he worked in the morning shift. (**See Exhibit S-5 position statement file page, section II, Paragraph 2**).

I wanted to tell the court I leave my post at 0458 am and I did not given the accommodation to pray and pre-dawn meal accommodation for Ramadan. My prayer time at 0509 am and I need 10 minutes for bathroom relieve and ablutions and I was not given pre dawn meal(suhur) to eat.I was requested to pray accomodation needed to eat in order to fast for 14 hours for Ramadan in my email to hospital administration(**See Exhibit F and Exhibit N-2**) but no reply I was discharge instead.

My intention to be pregnant is the contingency of the employment in order to be hired in NYC Health+Hospitals. I was told by DR. Willby that I can't get pregnant within 3 month in order to be hired and I was required to sign the consent that the MMR will harm the fetus or baby if I am pregnant. Dr

Willby did not accommodate my intention to be pregnant or asked me to sign the paper to waive the requirement of the MMR vaccine. I told her that I have intention to be pregnant but my request was denied. She still insisted to take the MMR vaccine or I will not getting the job. I was asked to sign the paper of consent that MMR vaccine will harm the fetus or baby if I am pregnant.

(See Exhibit A-3) In March 2022 I was told by Captain Laboy to go to OHS 6th floor(Employee Health) and when I went to OHS 6th floor Dr. Wilby said she wanted to give me the second MMR vaccine and she said I should come back last year in June 2021 to take the second MMR vaccine but I did not come but I already provide her the documentation from Baruch College that I already took the MMR vaccine but DR.Wilby said she need the lab report.

(See Exhibit A3) My question was if second MMR vaccine can be hold until March 2022 why DR.Wilby did not let me to waive the vaccine in order to be pregnant at first place in March 22 2021 because I told Dr.Wilby that I already have one MMR vaccine on my admission to Baruch College **(See Exhibit C-6)** and she did not let me to provide the paperwork of MMR vaccine from Baruch College to waive the requirement to accommodate my intention to be pregnant in March 22 or March 28, 2021 and DR Willby still insisted to take the MMR Vaccine as requirement in order to be hired.

I told the nurse Beverly who give me the MMR vaccine injection that I am planning to get pregnant and I already took the MMR vaccine from the admissions to Baruch College and she put down the needle and go back speak to Dr. Wilby and Nurse Beverly notified Dr Willby that I already took the MMR vaccine from Baruch College and Dr Willby tell the nurse Beverly about me that "She don't understand she need 2 MMR vaccine in order to be hired" and Dr. Willby said to take the MMR vaccine now and come back with the MMR documentation from Baruch College.

On the paper at **(See Exhibit A3)** is the proof of my second MMR vaccine can be hold until March 2022. On the paper stated that "EXAM TYPE: Pre Employment, Updated" on March 7, 2022.

I have the text message on March 4, 2022 and Mahmuda Hospital Care Investigator List#586 said she didn't mandated to take the MMR vaccine in order to be clear for medical clearance on March 4, 2022 for the Hospital Care Investigation position at NYC Health+Hospitals. **See Exhibit B1**

I think she told me verbally she was asked for draw the blood only for her medical clearance requirement.

In addition On march 4, 2022 at OHS 6th floor she show me her **Exhibit S of her Hospital Care Investigator List :586** with her name, her address and her list number and the address to go for

background interview with the time and the date of appointment written on the paper. The paper similar with my special officer job offer which I was received on November 2020(Exhibit S).

I met Dr. Wilby twice. The first one I met her on March 04, 2022 and she told me to clear my medical clearance from last year and she told me I supposed to comeback for 2nd MMR vaccine in June 2021 but I didn't comeback for the vaccine. I realize I was accidentally pregnant on June 2021 . I did not hear anything from her until I was told by Captain Laboy to go to OHS 6th floor to Dr Wilby office in March 2022.

Dr Wilby instructed me take the second MMR vaccine again on March 04, 2022 for medical clearance but I refuse and I told her I can't take another MMR vaccine because I already took it from school. I was told I will relief from duty if I didn't take it. I told her I will get the copy from MMR vaccine from my school at Baruch College. She told me I must get lab report from my school. I went to Baruch College admission and they said they only able to give this paper only(See EXHIBIT C-6). Baruch College give legitimate paperwork that I took the MMR vaccine and I remember I took the MMR vaccine at the school, See Exhibit C-6. Baruch College admission said the doctors can use the blood work to check if I was Immune to MMR vaccine and she said she don't know why my employer make it as big deal and need the lab report. it was not a big deal she said but I told her it's for employment or I will be relief from duty if I do not have lab report. I went to Baruch College on the same day Friday, March 4, 2022 to get my MMR vaccine paperwork. I was off on the weekend on March 5 (Friday night to Saturday morning) and March 6, 2022 (Saturday night to Sunday Morning). See Exhibit C-9.

On March 07, 2022 The second time I met Dr Wilby in order to submit my MMR vaccine paperwork without lab report from Baruch College. See Exhibit C-6 and she was accepted the paper and she said my medical was clear and she gave me the paper(Exhibit A3). She said she was just checking to my blood results that I was immune to MMR vaccine. She told me my next annual medical appointment will be on April 18, 2022.(See Exhibit A3)

SEE Exhibit Q(1-4), See Exhibit L , See Exhibit M, N, O, P) I can prove the court that my negative performance, denied shift preference and give my shift preference to younger new officer(**See Exhibit C-10**) or denied request working in the morning shift, did not received training properly as per younger new officer had , denied of rotating working assignment(**See Exhibit T**), refuse bathroom accommodation, harassment from supervisors during rollcall, refused me to be part of the team, refused to access the surveillance camera when my jacket was missing was prima facie of discrimination because of my age, accusation not checking employee ID(**Exhibit A-1**).

There are many discrepancies on my negative performance because my police memo book indicated that I was off on the day I was told by the Hospital department that I was "fail" to perform some job task(**See Exhibit Q,1-4**), **See Exhibit K,M,N,O,P**) and my supervisor evaluation section did not indicated the specific date or incident and the system indicated that the file was created by "profile" all of the date written as the same date:05/03/2021 at 12:03 am(**See Exhibit M-66**). The respondent give more

opportunity to the new younger officer in terms and conditions of the employment.(See Exhibit C-14& Exhibit C-15)

The respondent refuse to hire due to retaliation of I was filling internal religious complaint(See Exhibit A,B,G,F,N-2,L-3) and my protected activity of filling the discrimination case in SDNY in 2015 when I asked the question during psychological interview for special officer interview(See Exhibit R) "Do you have any court proceeding" and I said yes I had discrimination case against my previous employer in 2016.

All DCAS procedure the respondent must send me the mail, email and phone notification about my Hospital Care Investigator List#601(SEE EXHIBIT L-2). I never received any notification in the mail or email or phone from the respondent.

(SEE EXHIBIT M-65)The respondent try to hide the facts that my write up was created by Captain Melendez see the original of my supervisor evaluation which I received on November 19, 2022(See Exhibit M-66) see section 9 on "supervisor evaluation file" stated that the file was created by Captain Melendez after I was submitted the covid vaccine card on September 24,2021(SEE EXHIBIT I), SEE EXHIBIT AUDIT HISTORY, the system said the file was created by Captain Melendez.

Compare to the respondent second evaluation at section 9(the file login log by Sgt Rosado & Captain Melendez login was erase. See my original supervisor evaluation the date sign by Sgt Rosado at Nov 2, 2022 but the file given to me on November 19, 2022 and the file was created by Captain Melendez desk.

See the second evaluation at section 9 the file stated it was created Sgt Rosado and if we look at the file, the system stated the login of Sgt Rosado and this file is Internal documents is not constitute or legit documentation that I am a bad employee because in auditing accounting procedures in order to audit company income should relied on external documents and internal documents does not count as a legitimate documentation that I am bad officer must be external documents.

I did not mean exaggerating myself but I think I do better than other employees in the terms of checking employee ID because many employees at NYC health +hospitals said to me that I am the only one who stern check employee ID even though I know for sure some employees who worked there

which I saw every morning but it is part of my religion .Allah said your mom have rights over you, Dad, husband, employer, your body have rights over you, Allah have rights over you too. Allah rights over me is to worship when it is time to pray. I have to pray. My body rights over me is to use the bathroom if I needed to, no drugs, do not harms your body. Allah said the relationship between me and him it is depend how I treated the other creation if I did not do my job at work Allah will not satisfy with me.

I always do my job as best as I could but I know for sure the negativity because of my age. The keys is starting from Detective king and she went to HR, Captain Melendez, Theodore Stellas say negativity because of my age and I believed they discussed about my age because Captain Melendez requested me to send him my covid card which contain my age and birthday and others don't. (See Exhibit I)

Detective king told me many time HR will come to get me and she will put negative performance on my file she said "it's going to be on your file". All of this because I revealed my age to her. My age cause the adverse to the department. She told she will put negative working performance on my file and this is the reason why on the supervisor evaluation stated it was created by "profile" and have the same date & time (See Exhibit M-66).

She also aware I am on the list and I am waiting for to be call for hospital care investigator position at NYC health+hospitals when she used to be nice with me. Our locker rooms is side by side since I revealed my age to her she started to change her behavior towards me but at the time she just regular officer and when officer Phillips leave the job she was promoted to central command and since then the first time she said in order to pray I must requested permission from Sgt Rodriguez or field supervisor on duty the night before and I must requested during roll call briefings and when I asked Sgt Rodriguez during roll call briefings that the first time Sgt Rodriguez refuse the accommodation for me to pray when he said during roll call in front of others officers that "we all pray to almighty God pray where you stand" I told him that I need to do ablutions and I need to cover my hair and when I praying not supposed to see by man. I cannot pray in my post I need to perform ablution and not supposed to see by man.

I need permission to go to the mosque at 12th floor. I believed a week later that Sgt Blount said I cannot go to the bathroom, officer Smith (he graduated with me on July 23 2021) who assigned at central command said Sgt Blount instructed him not to relieved me for bathroom but I need to pray too.

I called to report to central command operations when Sgt Blount and Sgt Rodriguez was there. Sgt Blount said what did I told you about the bathroom and I told her I cannot hold the bathroom anymore and I needed to pray too. Sgt Blount said the department need doctors note if I will be using the bathroom every morning. Sgt Rodriguez said he does not have people to relieve me to pray at midnight shift in order for me to pray and he suggested that I should asked Captain Melendez to move to morning shift because they have enough people in the morning shift to relieve me to pray.

In October , 2021 A week later I got write up from Sgt Melendez for leaving my post for bathroom urges and needed to pray. I told him I cannot hold my bathroom anymore it was so painful so urges I am really in need to go the bathroom and I need to pray too. At the time I asked Captain Melendez as per Sgt Rodriguez told me that midnight shift do not have enough people to relieve me to pray and I told Captain Melendez I wanted to move to morning shift and Captain Melendez said he cannot move me to morning shift because he got enough female officers in the morning (I found out in December 10, 2021 he put younger new female officers 22 yrs old) officer Sultana working in the morning shift)and Captain Melendez said I should asked Sgt Rodriguez about I need to pray.

Sgt Rodriguez give post 2B which accommodate me to pray because this post is additional post for ER and this post no need relieved, freedom post I relieve myself. I worked post 2B in week days and in the weekend I worked on post 4 which Detective king was off in the weekend. Because Detective king refused to accommodate me to pray and it was fine with me because she was off in the weekend so other central command (wood) officers who work in the weekend was relieved me to pray.

But In the end of January 2022 Sgt Rodriguez said the department removed post 2B from my assignment but i found out they assigned post 2B to another officers.

I remember the last time when I worked for post 2B Detective king removed me from post 2B and since then I was assigned to post 4 permanently which I had difficulty to pray. Until February 25, 2022 (See Exhibit A) I had internal complaints to Captain Melendez about I need to pray on time and needed to relieve before prayer time because I needed more time for ablutions and bathroom urges relieve.

On March 27, 2022(**See Exhibit B**)I had the second religious internal complaints altercation with Detective King who refused accommodation for me to pray

I send email to Captain Melendez no reply until I met him in person when he passing my post(post 4) and he said the department not willing to accommodate all the time.(**See Exhibit G**)I send him another email that I need statement in writing and he send the reply with the cc attachment of hospital administration that they will investigate the supervisors who involved and not sure if Detective King is on leave or vacation(**See Exhibit C**) When Detective King on leave during my internal religious complaint investigation Sgt Rodriguez came to my post and said that's why I give you post 2B so you can pray but after Detective King come back from her leave the situation back to intense again and I did not accommodate to pray on time and situation getting worst until April 7 2022 the department said they do not willing to accommodate my early prayer time anymore. I called out on April 8 2022 and on April 9 2022 I was discharged because I leave my post in order to pray. I was constructive discharged because of my religious beliefs.

Religious discrimination

I made the religious internal religious discrimination complaint on February 25, 2022 to the hospital police administration that I had been relieve late to pray morning prayer and I requested the religious accommodation from HP police administration NYC Heath+Hospitals to be relief early before prayer time from my post in order to pray on time at 12th floor mosque. On the email to Captain Melendez I provide the verse from Qur'an regarding In Islam that I must pray on time. The Qur'an verse on (Surah Al Ma'un 3-5)stated that: So woe to those who pray, Those who heedless on their prayer who delay their prayer beyond its time. Those who delay prayer till a later time (even if it is within its time). (**See Exhibit A, INTERNAL RELIGIOUS COMPLAINT & REQUEST for RELIGIOUS ACCOMODATION**).

(**See Exhibit B, INTERNAL RELIGIOUS COMPLAINT**)On March 27, 2022 I sent another email to Captain Melendez for internal religious discrimination complaint against Detective King.

After the email I did not hear anything from Captain Melendez and I saw him passing post 4 main lobby and I asked him if he received my email and he said yes. Captain Melendez said to me

verbally at my post that the department would not willing to accommodate the early prayer time all the time until I asked him if he can made that statement in writing instead and I sent another email again to Captain Melendez on March 28,2022(**See Exhibit G, REFUSAL RELIGIOUS ACCOMODATION VERBALLY AND REQUESTED THE REFUSAL STATEMENT IN WRITTING**).

After this incident my prayer time still not be fully accommodated and many time I did not relief on time to pray and accommodate for bathroom. I had been struggling to be accommodated because I believed by filling internal complaint the situation getting worst and before I only have problems with Detective King but now everyone was against me.

(**See Exhibit N-2, INTERNAL COMPLAINT OF REFUSAL OF PRAYER,SUHOOR(PRE-DAWN MEAL RAMADAN & BATHROOM ACCOMODATION)**As per April 7,2022 I made phone call around 0445 am to central command phone line I and was requested to get relief to pray and the department giving me the verbal statement that the department did not willing to accommodate early prayer time anymore.

(**See Exhibit L-3, EMAIL NOTIFICATION TO HOSPITAL ADMINISTRATION ABOUT THE CONSTRUCTIVE DISCHARGE ON 04/09/2022**) & (**See Exhibit**) (**S-5, EEOC RESPONDENT POSITON STATEMENT**),**section II, Paragraph 2**), The defendant had given false statements on EEOC position statement stated that on April 09, 2022 I made phone call to request relieve from my post at 0445 am and leave my post at 0445 am. This statement is false statements because I didn't made phone call on 04/09/2022 at 0445 am OR leave my post at 0445 am on 04/09/2022 because the department already giving me the statement on 04/07/2022 that they will not accommodated my early prayer time anymore so I did not bother to called them anymore for relief on 04/09/2022 but I already asked permission from Hospital Administration to leave my post in case if nobody relieved to pray on time(**See Exhibit F,PARAGRAPH 9, EMAIL TO HOSPITAL ADMINISTRATION**) when I stated on the email “ *Allah commands to pray come first and HP command not to abandon the post come second if nobody comes relief me to pray*”.

I leave my post at 0458 am on 04/09/2022(**See Exhibit L-3, EMAIL NOTIFICATION TO HOSPITAL ADMINISTRATION ABOUT THE CONSTRUCTIVE DISCHARGE ON 04/09/2022**) by notifying central command officer Jones which is 10 minutes before prayer time in order for me to perform ablution and relieved the bathroom urges.

(**See Exhibit N-2**) I did made phone call on 04/07/2022 at 0445 am requested to religious accommodation to pray and officer wood (central command officer) said no more early prayer time for

you anymore and officer wood said that he was given the instructions from Sgt Rodriguez to relieve me late to pray at 0513 am. He said this is the time Sgt Rodriguez give him to relief me to pray and I told him this time will be late for me to pray and I told him I will walked my post if nobody relieve me to pray on time and officer Wood said if I walked the post I will be get written up(**See Exhibit N-2**). After that officer Wood transfer me to Sgt Rosado and Sgt Rosado verbally said to me over the phone that Sgt Rodriguez instructed all central command officers and all field supervisors to relieve me late to pray from now on.

(**See Exhibit N-2**) Sgt Rosado said to me on 04/07/2022 over the phone that " sorry no more early prayer time for you anymore". After that when I told them I will walked out the post. When I am about getting ready to walked out the post in order to pray, Detective king came to relieve me and they (Sgt Rosado and Officer wood) didn't say Detective king was coming to relief me and Later on the same day I sent email to hospital administration about the intense situation I had been through to request my religious accommodation to pray and bathroom accommodation in my working environment since I worked there (**see exhibit F, INTERNAL COMPLAINT TO HOSPITAL ADMINISTRATION**) and on the same time I asked permission from Hospital administration to walked my post if nobody relieve me to pray.(**See Exhibit F, Paragraph 9**) when I quoted from the email " *Allah command to pray is come first and HP command not to abandoned the post come second*".(**Exhibit F, Paragraph 9**)

So on April 09 2022 I am not longer requested to be relieved to pray because the department already made statements On 04/07/2022 and said they were not willing to accommodate early prayer time anymore since 04/07/2022. It's kind of like weird when I was showing up to work on 04/09/2022 because the department already made statement they will not accommodated my early prayer time anymore. The only way to pray on time was I have to walk out the post or leave my post. So the hospital administration aware about I will walked the post on 04/09/2022 if nobody relieve me to pray from my email I sent to CEO of hospital administration sent included cc attachment to Sgt Rodriguez and Captain Melendez. I stated on email that " *Allah command to pray is come first and HP command not to abandoned the post come second*".(**Exhibit F, Paragraph 9**)

On 04/09/2022 the only way to pray is to walked out the post because on 04/07/2022 the department (Sgt Rosado and officer Wood)already verbally said to me over the phone that the

department as per Sgt Rodriguez command I will not longer to be given the early prayer time to me anymore and if I walked the post I will get write-up.

I called out on 04/08/2022 because of the intense situation and 04/09/2022 I come to work and ready for the worst.

On April 09, 2022 I was ready for the worst because the hospital administration did not reply my email how to overcome the situation and On April 09, 2022 I was relief myself from my post in order to pray on time by notifying the central command officer(Officer Jones) that I was ready to walked out my post to pray and nobody came to relief me and central command officer officer jones said that "officer Chapagain on the way" and I rush my self to prepare to Allah's command to pray because I have 10 minutes for bathroom relief and ablution and I rush myself to perform ablution.

I think I did not relief myself properly that day and it was Ramadan too and I did not giving the accommodation to eat my suhoor(Early meal dawn before fasting)as per my request on Exhibit F, while I was praying upstairs I heard Officer Martinez, called me in the radio keep calling my post " Post 4, 10-1" while I was in stated of praying" Central command officer, Officer Martinez keep calling me in my radio and instructed me through the code ("Post 4, 10-1) meaning I have to called the central command office ASAP and on the same time he gave instruction to the relief officer at post 4 to stay permanently on the post because I believed I am not longer on duty to the post 4 because I was already discharged at 0500 am while I was praying. When I called the central command office phone line from the mosque at 12th floor I was told to report to Hospital Police Headquarters 8th floor and when I reach there Sgt Rodriguez already waiting for me at roll call office.

(See Exhibit L-3)Sgt Rodriguez asked me "what's going on". I said "you tell me you called me ". Sgt Rodriguez asked me "Why you leave the post" and I told him "I have to pray" and he said "this job is not for you, you have to choose God or a Job" and I told him I choose "God first". I give him my badge, Radio,keys etc. He said he didn't fire me he just wanted to write me up for walking out the post but I have to clock out at 0500 am and go home and think and comeback tomorrow if I will choose job first. He said if I choose job first I can come and I told him today and tomorrow always the same always " Allah first". He asked me if I resigning and I told him " I don't know " and He said " I should resign". I went downstairs to change my clothes and I gave my bulletproof vest to central command officer Wood.

I was discharge that day(04/09/2022) because of my religious belief.

(See Exhibit D-5, CAPTAIN MELENDEZ EMAIL ABOUT MY ABANDONED OF THE POST WAS THE EFFORT FOR ME IN ORDER TO PRAY AND BATHROOM ACCOMODATION) Captain Melendez stated on his email of April 7, 2022 that He admitted on the email about the supervisor who had give me the write-up because I was abandoned my post but the reason because I did not accommodated in order to pray and to relief bathroom urges.

But according to the facts my supervisor(Sgt Rosado and Captain Laboy) never give write- up for abandoned the post in order to pray instead Captain Melendez who the one who give me write-up because I have to leave my post to pray and to relief bathroom urges. Allah is my witness that He signed the write-up paper in front of me and I sign the write-up paper too but he did not give the copy and Detective King and Sgt Rodriguez waiting outside the door when I was given write-up from Captain Melendez for abandoned my post in order to pray.

I never abandoned my post except for prayer and bathroom urges only. But I told him I cannot hold my bathroom anymore because I hold it for 3 hours and I needed to pray too. From my experience I always had constipated for many days because I was holding my bathroom urges and constipation it's very painful when I am not allowed to relief my bathroom urges on time.

(See Exhibit Audit History) according to log history my Negative working performance was created by Captain Melendez and transferred by HR(Angella Mullet) and transferred to Sgt Rosado later.

Age Discrimination

- **(See Exhibit C-15)** The respondent give new younger officers(Officer Smith, McLaughlin, Chapagain, Guiterrez) more favorable working assignment than me. I was excluded in terms & Conditions of the employment because of my age. I am considered new officer but I am older than other new officers. The Detective king the senior trainer at midnight shifts aware my age range through our locker room conversation in August 2021.

(See Exhibit S-5, Exhibit S-12, POSITION STATEMENT , section IV, paragraph 3) On the respondent position statement response stated that my poor performance was the reason I was terminated from the job on April 12, 2022 but according to police academy lecture that the officer will be terminated only if officer did something appropriate on the job such as :

- Smoking

- Possession of drugs or contraband
- Drinking
- Lying
- Abuse the police authority
- Killing

I did not do all of this and I am strongly believe the adverse of my termination on April 12, 2022 because of my age and my religious constructive discharge on April 09, 2022.

Sgt Rosado and Captain Laboy signed the negative working performance(**See Exhibit Q**) and they said I was fail on twice(**See Exhibit N-7**) **OR Exhibit Q(page 1-4)** but I only received one negative working performance which I was received on November 19, 2022.(**See Exhibit Q**)

The negative working performance from **Position statement EEOC** was added new document which I never received from the Sgt Rosado or Captain Laboy(**See Exhibit M-65**) and when I take look at it the different with my negative working performance(**See Exhibit Q, page 12-33**) was the respondent added the second supervisor evaluation(**See Exhibit M-65**) without my signature or SGT Rosado or Captain Laboy signature on the paper.

The "Supervisor Evaluation Update and Submit" from respondent **Position statement submit to the court(M-65)** added with "last modified" with Sgt Rosado with login time and dated and the heading stated "Supervisor Evaluation- Update and Submit".

(**See Exhibit Q, page 12-33**) The "Supervisor Evaluation complete"was given to me on November 19, 2021 stated "Supervisor Evaluation complete" only indicated that the evaluation created by "Profile" and did not indicated the name of supervisors who modify the evaluation. In addition the Log in date was on the fixed date and time"05/03/2021, 1203 am".(**See Exhibit Q, Page 12-33**), (See **EXHIBIT M-66**).

Negative working performance from the respondent was adding new docs which I never received(See Exhibit M-65)&Absent Monitoring discharge 2021.

The respondent adding new supervisor evaluation on SDNY position statement which I never received from Sgt Rosado and Captain Laboy.(**See Exhibit M-65**).

The document added the Sgt Rosado footnote, comments, dated but when I received negative supervisor evaluation on November 19, 2021 Sgt Rosado and Captain Laboy said that "people upstairs

don't like you" and at the time there was no footnote comments or dated on my supervisor evaluation(**See Exhibit M-66**). The paper said it was created by "profile" and fixed date and time "05/03/2021 at 12:03 am".

I believed this profile created by Detective King because she said she will put negative working evaluation on my file.

The respondent also added to the new document to the court **the Absence Monitoring form 2021(See Exhibit M-67)** I am not aware of these incident but I only aware that I was calling for running late twice and I got write-up because I was fall to sleep and my alarm not ringing and the second one I was running late But I made phone call before I am running late because my uber driver missed the exit other that I do not know anything because I did not giving notification of misconduct. (**See Exhibit L-99**).

In September-November 2021 I believed I work on mandate overtime more than other officers because we don't have enough officers in the morning many time I work double shift from 11:30 pm-0400 pm and back to back to work on the midnight shift again. I had so many form like this one(**See Exhibit S-9**) but I was threw the paper away Detective king said if I did not do overtime they will take me upstairs to HR but sometime the overtime list is incorrect and the rooster it's keep coming back to me to do overtime(**See Exhibit S-9**).

(**See Exhibit S-9**)I was denied request to move to morning shift by captain Melendez because of my age even though the department need people in the morning in October 2021. He said that he cannot move me to morning shift because he has enough female officers in the morning shift but I found out in December 10, 2021 he put the new younger female officer 22th years old, Officer Sultana working in the morning shift. I believed my age the reason my request was denied to move to morning shift.(**See Exhibit C-10**)

I remember when I used to work for post 2B Detective King came to me to stay at Post 4 and Post 6 outside working hours after 0800 am to stay there without pay and Sgt field supervisors in the morning shift said "Why you doing here" I told him that " Detective King told me to stay here" and he said "Don't listen to her ,she is not supervisor".

I always follows my instructions this Absence Monitoring form was created by the respondent because I already had the religious constructive discharge. All my supervisors knew that I always check the ID and do my job but the downside of me is my age.

The negative evaluation it's considered the internal paperwork can not determined that I am a bad officer the adverse about me in department is my age. This paper can not determined that I am bad officer because this is internal documentation the respondent can create any documents for poor performance because of my age.

One time I told Sgt Rosado the mandate over time schedule was wrong because the list keep coming back to me and Sgt Rosado he cannot fixed it because I should notified him the night before. So Most of the time Detective King came to me I should do mandate overtime. She said if I refused the overtime she will take me to HR to be discharged. Detective King was upset and when she back from my religious internal complaint allegation she came by banging the locker room entrance my locker is side by side with her door. I am not sure what that day it was I believed it was April 7, 2022 since then the department said they will not accommodated my early prayer time anymore.

I can prove to the court that the negative working performance is prima facie of discrimination based on my age because according to my police memo book I was off on 09-12-21(SEE EXHIBIT K AND EXHIBIT C-13) and I never conducted this observation because this observation only assigned to patrolling post officer assignment.

See Exhibit Q (Page 1-4) OR EXHIBIT N-7, My negative working performance I was fail conducted the patrolling post duties but according to Police memo book I was assigned to midnight shift restricted post 4 main lobby On :

09-24-2021(See EXHIBIT M) I was assigned at midnight shift unrestricted post 2B according to police memo book

10-06-2021(See Exhibit N) I was assigned at midnight shift restricted post 4 main lobby

10-18-2021(See Exhibit O) I was assigned at midnight shift restricted post 4 main lobby

10-29-2021 (See Exhibit P) I was assigned at midnight shift restricted pos 4 main lobby

(See Exhibit T) I never assigned to work as Patrolling post officer(Post 8, Post 9, Post 10)or rotating working assignment like other officers I believed because I reveal my age to Detective King in or between mid August 2021 during locker room conversation. I did not getting the same training as new younger officers and I believed my training not properly given to me because of my age they wanted me to be discharge and disqualified for the job.

Also, I was submitted the covid vaccine which contain my age and birthday to Captain Melendez on September 24 2021(See Exhibit I).The respondent stated on position statement said "There was no requirement to submit to provide the supervisor with vaccination card". But Captain Melendez asked me to submit the covid card to him too which contain my age and my birthday.(See Exhibit I)

See Exhibit C- 19 Detective King is the senior trainer who train new officers at midnight shifts. I believed my training at midnight shift was different than new younger officers training (Officer Chapagain and Officer Smith) because I did not finish the training completely and Detective King stop giving me full training on patrolling post because I did not assigned to work on patrolling post after training like as other new younger officer was assigned to patrolling post the next day and the department started giving me assignment at midnight shift restricted post 4 main lobby. I did not get a chance to work the patrolling post the next day on my own as per younger officers(Chapagain and Smith) were able to complete their training by assigned to patrolling post on their own and They were able to asked any questions they might have but I did not given the opportunity to be train properly because Sgt Rodriguez and Detective king started to assigned me to restricted post 4 main lobby instead because of my age.

The first write-up for walking out the post was in October 2021 when I had to walked my post because nobody relief me in order to pray and bathroom urges. I was called to report to Captain Melendez office and he gave me the paper to sign of write up for walking out my post for bathroom urges and needed to pray.(See Exhibit D-5, CAPTAIN MELENDEZ EMAIL ABOUT MY ABANDONED OF THE POST WAS THE EFFORT FOR ME IN ORDER TO PRAY AND BATHROOM ACCOMODATION).

At the time New young officers who have the same date of hire as me (Officer Chapagain and Officer Smith)already assigned working at patrolling post assignment (Post 8, Post 9, Post 10) and have rotating job assignment with other officers.

I was assigned in Midnight shift restricted post 4 main lobby most of the time and I encounter having difficulties to be relief to pray on time and bathroom accommodation. One time I was told By Sgt Blount I have to hold my bathroom and need to provide doctors note in order to go to the bathroom.(See Exhibit F, Paragraph 4)

Detective King, Sgt Rodriguez and Captain Melendez did not give me the same opportunity like others new young officers(Officers Chapagain and Officer Smith) to learn more and assigned to patrolling post and rotating working assignment after training. I am strongly believed because of my age.

During training usually the officer should assigned patrolling post assignment the next following day or week to learn more and can asked any questions the officer might have regarding patrolling post assignment.

But in my situation the training not properly done because after training I didn't assigned for patrolling post(Post 8, Post 9, Post10) like any other new younger officers (Officer Chapagain and Officer Smith). I was place at midnight shift restricted post 4 main lobby most of the time and sometime I work at Post 2A and post 2B. I never assigned to patrolling post since I work there.(See Exhibit T)

(See Exhibit D-5, CAPTAIN MELENDEZ EMAIL ABOUT MY ABANDONED OF THE POST WAS THE EFFORT FOR ME IN ORDER TO PRAY AND BATHROOM ACCOMODATION)

In or October 2021 I received the first write-up from Captain Melendez for walking out the post in order to pray because I was place to work on post 4 midnight shift restricted post which give difficulties for me for prayer and bathroom accommodation.

(See Exhibit Q) On November 19, 2021 I received the first negative working performance from the department.

See Exhibit L: (Exhibit Q Page 1-4)Annual Competency Check

Competency	Date Observed	Pass/Fail/Not Applicable
Officers are...Code Pink Alarm	09-12-21	Fail : I am off according to police memo book(<u>see Exhibit K</u>)
Cancel Code Pink...	09-24-21	Fail: I never did this observation(Exhibit M);
Officer Detain...	10-6-21	Fail: I never did this observation(Exhibit N);
Dispatch officer to investigate	10-18-21	Fail: I never did this observation(Exhibit O)
All officer...IPS area..	10-29-21	Fail: I never did this Observation(Exhibit P)

These statement are false statement . I always work on the same post (post 4 and post 2B and post 2A sometime). This observation was for patrolling post officer assignment. I never assigned to do this code pink alarm. According to my Hospital police memo book I did not do this observation.

The Incident on September 12, 2021 was prove of respondent has create the prima facie discrimination based on my age because according to my police memo book I was off that day. See Exhibit K AND EXHIBIT C-13

I never assigned to patrolling post because the department did not wanted me to grow and the department only give the opportunity to new younger officer. I believed my training not done and Detective King stop give me the opportunity to train me completely due to my age I left behind on midnight shift restricted post 4 main lobby with difficulties of bathroom accommodation and pray on time.

I believed I was given the negative evaluation(SEE EXHIBIT Q) because they do not wanted me to grow. I never given the opportunity like other new younger officers. I never assigned to patrolling post and any other rotating job assignments such post 8, post 9, post 10 instead I always assigned to Midnight restricted post 4 main lobby where I was having the difficulties in order to use the bathroom and pray I don't have the same opportunities like other new officers because of my age.

There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYC Health+Hospitals on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021. (See Exhibit C-14 and C-15)

(See Exhibit C-12 and Exhibit C-13) For example Officer Chapagain. He is younger than me and He was hired on the same date as me on May 3, 2021 but he already have opportunity to choose his shift preference to tour 3 (03:30 pm- 12 am) in October 2021 and work in rotating job assignment but the hospital police department never let me to choose my shift preference and work on patrolling post and rotating job assignment where is more desirable working assignment because of my age. This patrolling post is freedom post for bathroom and prayer.

I already work there almost a year on April 09, 2022 but On the respondent "Position statement" stated the reason I was put on midnight shift restricted post 4 main lobby because I am new (See Exhibit S-7 or Exhibit S-5, Paragraph 2) but I am not new according to my seniority, officers who were graduated on December 10, 2021(See Exhibit C-10) supposed to be assigned to Midnight shift restricted post 4 main

lobby but because they were younger than me Captain Melendez give them more opportunity to grow and left me in midnight shifts restricted post 4 main lobby with difficulties to pray on time and bathroom accommodation because I am older new officer. (See Exhibit C-15 and Exhibit C-14)

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. (See Exhibit C-13 and Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me as May 3,2021 and he already granted the promoted to the position as Flex schedule officer in November 2021 which only required 3 days a week working schedule for 12 hours shift. Officer Gutierrez transferred to NYPD in or December,2021. (See Exhibit C-17 and Exhibit C-11)

Officer Smith was younger than me he assigned working at Patrolling post in the beginning of September 2021 and rotating job assignment (Post 8, post 9, post 10 and training as central command officer starting from September 2021(See Exhibit C-13 and Exhibit C-15). But he leave the Department because he got a new job.

I don't have the same opportunity like other new officers who were younger than me working on rotating work assignment because I was left behind at midnight shift restricted post 4 main lobby because I am older new officer. On the respondent Position statement stated that I was place on restricted midnight shift post 4 because I am new (SEE EXHIBIT S-7) but I am not new there. They were other officers who younger than me and recently graduated on December 10, 2021 (See Exhibit C-10) considered new but they were already give the same opportunity within one months to work on rotating post assignment and patrolling post and have the opportunity to grow ability to choose their shift preference but I was stuck in restricted midnight shift post 4 main lobby which it was not accommodated me for bathroom and pray on time leading to my discharge on 04/09/2022.

According to my seniority the midnight shift restricted post 4 main lobby assignment on 04/09/2022 should assigned to lowest seniority officers who were graduated from Hospital Police Academy on December 10, 2021(See Exhibit C-10) I requested to move to morning shifts but my requested was denied because Captain Melendez said the department has enough female officers in the morning shifts but I found out on December 10, 2021 he place new 22 yrs old female officer(Officer Sultana) to work in the morning shift(Tour II).

My negative working performance was differ than the respondent negative performance on position statement EEOC report but the court should relied on my negative working performance which given and sign directly from Sgt Rosado and Captain Laboy .

On respondent position statement stated that I was given the second negative performance evaluation and I did not sign it. This statement is false statement because Sgt Rosado and Captain Laboy only give one time negative working performance on 11/19/2021 and they never gave me the second evaluation to me yet definitely I always follow instruction to sign or any other instructions but not followed the instruction not to pray. I cannot follow that instruction. If the second evaluation did not signed by me meaning Sgt Rosado and Captain Laboy never give it to me to sign it.

(SEE EXHIBIT M-65) On the second evaluation of negative working performance the respondent ON **POSITION STATEMENT** added the Sgt Rosado modification comment and dated but on my negative performance given to me on 11/19/20221**(SEE EXHIBIT M-66)** the comment created by “**profile**” and the date was fixed date and time **05/03/2021 1203am**.

Also I am able to proof the court that the negative working performance was prima facie of discrimination because of my age. The negative performance indicated that on the date indicated that I was “fail” but according to my police memo book I was off that day. Some other dates which indicated I was failed but according to police memo book I was not assigned to that observation. My police memo book indicated that I did not work on patrolling post that day and most of the negative performance stated I was “fail” on patrolling post assignment but I did not do any observation of patrolling post that day.

I am strongly believed this comment from Detective King because she said she will put negative working performance on my file and she said “it’s going to be on your file”.

I am able to approved that negative performance was legitimate proved that the respondent had create the negative working performance of premeditated statement because of my age and I am older new officer.

(See Exhibit Q) My negative working performance was legit statement that the respondent provide the premeditated statement of poor working performance because of my age.

According to my police memo book I was off and I did not performed that observations when the poor working performance indicated that I was “fail” . I believed all on my negative performance was created

by Detective king because she said she will put negative working performance on my file. In addition all my negative performance did not stated who put the comment in because the system just said created by profile. (SEE EXHIBIT M-66)

SEE Exhibit Q, See Exhibit L , See Exhibit M, N, O, P)I can prove the court that my negative performance was prima facie of discrimination because of my age. There are many discrepancies on my negative performance because did not indicated the specific date or incident and all of the date written as the same date:05/03/2021 at 12:03 am.

All the negative performance was based on opinion not the facts for example if the officer have illegal substance on duty and have proof of witness, surveillance and this is the facts but in this case Sgt Rosado, Sgt Desantes said based on their opinion about me not by the facts with the legitimate proof and opinion can be biased because of my age, Protected activity(religion, sex, retaliation). In addition I can prove from my police memo book all the write-up was premeditated because of my age because my police memo book stated that I was off on that day when I was told I was "fail" on my negative performance stated that I was fail on some task which I did not performed according to my police memo book. I was confused when I received my negative performance because I did not do that observation and Captain Laboy and Sgt Rosado stated to me people upstairs don't like me.

The court can not relied on the respondent of internal documentation that I am not good officers because the respondent can create all the documentation on their interest to made me disqualify for the job because of my age but my police memo book is external documentation which is legitimate documentation that the court should relied on that I am not bad officer.

My police memo book indicated I was off and did not work on patrolling post on the day I was stated that on my negative performance stated I was "fail" according to respondent statement.

Another Discrepancies of respondent Position statement: Page 2, Paragraph 2, Line 16-17 stated:

Charging Party was assigned to post 2 -Emergency Room Area and Post 4- Main Building-Entrance/Lobby area because she was new

See Exhibit C-10 This is the false statement because I am not considered new on April 09, 2022 because there were officers who were graduated at December 2021 Supposed to be assigned to this post but because they were younger Captain Melendez give favorable working condition to new younger officer and assigned me in midnight shift graveyard shift because of my age with difficult accommodation for

bathroom and to pray on time. I was graduated from Hospital Police Academy on July 23, 2021(SEE EXHIBIT C-14 AND C-15), meaning I had more seniority than officers who were graduated in December 10, 2021 (SEE EXHIBIT C-10)but because of my age I was treated differently than the new younger officers.

I am not a bad officers and I always do my job but my negative side in the department is I am older new officer.

(See Exhibit L-4) I strongly believed I was terminated from the job officially on April 12, 2022 because I was already discharged on April 09, 2022(See Exhibit L-3) because of my religious belief and the respondent try to find the excuse in order to be relief from the burden Discrimination complaint in the future by create blank new negative supervisor evaluation which did not signed by me or Sgt or field supervisor on EEOC POSITION STATEMENT AND ALMOST ALL THE STATEMENTS ON THEIR STATEMENTS WAS FALSE.

(See Exhibit L-4) Definitely the termination Letter dated on April 12,2022 was the answer of my email I sent on April 10, 2022 (See Exhibit L-3)when I asked the Hospital Administration if my prayer time will conflict with hospital police operation and on April 12, 2022 I received termination letter in the mail was the answer of my question that my prayer time cost conflict to Hospital Police Department by sending me termination letter in the mail dated on April 12,2022.

See Exhibit Q, Sgt Rosado told me when I sign for my poor working performance in November 2021 he said that "People upstairs don't like you, You failed twice". People upstairs he referring to HR and Risk management office at 14th floor. He did not go over the poor performance because he didn't know either about where all of this poor performance came from because he never did all of this observation with me and I believed all of this observation of poor performance was create by Detective king, Captain Melendez and HR. Detective King said she have in charge of my file and she said "it's going on your file" when she was always in state of angry when she came to me because of my age. Detective King was closed to HR department too because she had been working there since the year 2005. Detective King close to HR and Captain Melendez too.

Many time she was chit chatting with HR in main lobby and maybe she discussed how to get rid off the older new officer out the field.

See Exhibit Audit History; My poor performance was created and drafted by Captain Melendez at first according to computer login history and transferred to Sgt Rosado and transferred by HR(Angela

Mullet). I believed the negative working performance because of my age after I was submitting my covid vaccine card on September 2021 as per Captain Melendez request (**See Exhibit I**).

Detective King the midnight shift trainer aware of my age in the range of her age during locker room talk with me in August 2021. Detective King joined the Hospital police as young age in the year 2005 before she was assigned to DHS police officers when she was at 18th years old and that's the reason why she prefer to train younger officer. That's why she did not train me properly because of my age and she wanted me to be disqualified because I am older new officer . Detective King doesn't want waste her time to train me because of my age as new older officer to work on the field. Detective King told me she will put negative performance on my file and she came to me angry most of the time and she was banging the table and moving the podium on the post 4 when it almost hit my knee cap while I was sitting and she said " it's going to be in your file". My age the reason why she didn't fully train me to work on patrolling post and suggested the department never assigned me on rotating working assignment or patrolling post assignment as per other new younger officers than me (**see Exhibit T & Exhibit U, my police memo books**). I was treated differently because of my age.

See Exhibit C-15, New younger officers who have the same date of hired and Graduated on the same day as me on July 23,2021 they already have opportunity to move to another shift within In October 2021 and have rotating job assignment(Officer Chapagain)(**SEE EXHIBIT C-13, C-12**) and one of the new younger officer Gutierrez already promoted to work on flex schedule shift In November 2021(**SEE EXHIBIT C-11 AND EXHIBIT C-17**) and Officer Smith was assigned to Central Command officer in October 2021(**SEE EXHIBIT C-15**) and Officer McLaughlin already assigned to patrolling post in the first month and have rotating working assignment. I was left alone at Graveyard Midnight shift without struggling to accommodation to pray and bathroom and refusal to move to morning shift by Captain Melendez because of my age. The department didn't fully train me at patrolling post at midnight shift grave yard shift because of my age.

Detective King said to me verbally she will put negative working performance on my file(**See exhibit Q and Exhibit N-7**)and she said to me "It's going to be on your file" she diminished or skipped the part of training procedure on Post 8 as "0300 relief central ops for meal break" to operate central ops command procedure(**See Exhibit C-19**) and failed to assigned me to patrolling post as part as followed up with training patrolling Observation(**See Exhibit T,MY POLICE MEMO BOOK**).

(See Exhibit C-10, DECEMBER 10 2021 NEW YOUNGER OFFICERS NAME & GRADUATION)The

department put me on grave midnight shift which supposed to assigned to the lower seniority officers than me who were graduated on December 2021 but because of my age Captain Melendez put me in this midnight shifts with difficult relief for bathroom and struggling accommodation to pray.

See Exhibit Q, NEGATIVE WORKING PERFORMANCE FILE All my poor working performance was signed by Sgt Rosado but I never really encountered with Sgt Rosado most my interaction was Detective King and She said "it's going to be on your file". Detective King not supervisor but she was colleague with Captain Melendez and so close with Captain Melendez when I complaint about Religious discrimination about Detective king to Captain Melendez, he did not take my complaint seriously because Detective King was his best friend when they were regular officers.

I was always excluded to be part of the Hospital Police team even there's undue hardship occurred they were not willing me to be part of the team because the department believed I will not able to protect myself and the team and they look down on me because of my age(**see EXHIBIT S-5 , SECTION VI, PARAGRAPH 3, LINE 3-6, EEOC Position Statement**) mentioned that "her lack assistance during emergency calls will result in injury to herself or staff members". This statement referring to my age and they excluding to be part of the team because of my age. Th facts I never hurt myself or made staff members hurt on my present.

Many time during roll call Sgt Rodriguez mentioned "We need strongest person possible" and the department look down on me because I am older new officer.

During Undue hardship on Post 2B, Post 2 A and Post 4 the Sgt Desantes sent me to unlock the morgue or go to lunch early or do another task of other officers and my job is to followed the instruction of the Field supervisors , Sgt and Captain but when the prayer time coming I did not followed any command except Allah's command to pray.

Even when I lost my jacket at post 2B Sgt Rodriguez was refused me to check the surveillance camera. They excluded me to be part of the team because of my age. Sgt Rodriguez, Sgt Blount allowed officer Robinson to see the surveillance camera at central command when my jacket missing during undue hardship and at the time Detective king was assigned to central and she refused me to check surveillance (**See EXHIBIT A-1**).

The negative performance submitted from the respondent position statement EEOC report and (See **Exhibit Q**) negative performance submitted from me was differ. My negative performance submitted by me was legit because it was sign and dated by Captain Laboy and Sgt Rosado but Negative performance submit by the respondent I never received it and it was change by the respondent lawyer to make seems not because of my age and also it was not sign me or Sgt or Captain. The court should not relied on Internal documentation from the respondent.

SEE EXHIBIT S-5, POSITION STATEMENT, SECTION VI, PARAGRAPH; 2 On respondent statement stated I did not performed my job to check the employee ID. The respondent has giving the false statement to EEOC. I always performed my job well to check employee ID and alert of surrounding in my working environment more than other officers. The respondent look down and search of my imperfection because of my age the department did not wanted me to be the part of the teams because I am older officer. Officer Hewitt trained me that in Hospital we just check the employee ID and must welcome every one and observe and requested additional if needed.

There is missing **Exhibit G-Hospital Police Statement Form** from the respondent position statement not on the exhibits. This exhibit as per respondent statement that "charging party failing to perform job duties" . This is missing exhibits which I always asked for and I notified the EEOC investigator, Miss McGrath about missing exhibits but the respondent never responded.

Many time I received harassment from Captain Laboy at NYC-Health+Hospitals. Captain Laboy said to me during rollcall that McDonald is hiring and look down on me in front of other officers. One time Captain Laboy and Officer Martinez were ridiculed me in front of other officers during roll-call when Sgt Desantes said to me "You failed" and they laugh so hard during roll call and Captain Laboy had tears on his eyes because he laugh so hard and Captain Laboy can't say any word because he keeps laughing so hard with officer Martinez. Captain Laboy said during the roll call that I am not allowed to go the locker room after rollcall and I must go straight to the post. He understand that avoiding me to go to locker room meaning he didn't want me to go to the bathrooms but the other young ladies officers can go to the locker rooms and sometime sleep because the patrolling post officer at midnight shift have nothing to do because all the clinic upstairs was close and the only place open is 4th labor delivery and ER, most of patrolling post do not have restriction for bathroom but I am not allowed to go to locker rooms after roll call finish to use the bathrooms because of my age.

On 04/09/2022, On the day I was discharged I was assigned at Post 4 restricted post Midnight Graveyard shifts which supposed to be assigned to lower seniority officer Sultana or any officers who recently hired on December 2021(See Exhibit C-10) but because of my age older than the other new officer I was stuck at graveyard midnight shift and I was refuse to move to morning shift by Captain Melendez in or on October- November 2021 when I requested to move to morning shift even though the department had shortage officers in morning shift at the time(See Exhibit S-9, MY MANDATE OVERTIME FORM) because of my age when captain Melendez refused me to move to morning shift and he said he cannot move me to morning shifts because the department already have enough female officers working in morning shift but in December 2021 I found out Captain Melendez assigned new younger 22 yrs old female officer, Sultana to work in morning shift (See Exhibit C-10). This is the reason why I believed my age was the reason I was left behind in my department because of my age.

Sgt Rosado and Captain Laboy keep mentioned to me about "they", "People upstairs don't like you" and they did not go over the negative working performance and it seems the negative working performance was created by the HR and Captain Melendez(See Exhibit Audit History)of COMPUTER LOGIN HISTORY which indicated that the negative performance was created by Captain Melendez in October, 2021 after Captain Melendez requested me to submit the covid card which contain my age and my birthday to him (See Exhibit I) . From the audit History of the log audit stated that the negative performance created by Captain Melendez transferred to Sgt Rosado and transferred by HR(Angela Mullet).

Discrimination based on Sexes: Woman

(See Exhibit L-4)The respondent said this claim is time barred but according to my discharge on April 12, 2022 that my employment terminated because I did not satisfy with Probationary period, This incidents was under time frame of or within "probationary period" . All my discrimination Age, Woman, retaliation was under the time frame of "probationary period". Also the "probationary period" are exist because I was pass the terms & condition & contingency of the period(See Exhibit X).

So probationary period not independent period because this period exist after the pass the terms & Condition of employment (See Exhibit X) and my pregnancy was the contingency of the employment in order to be hired.

Meaning "but for" of I was pass the terms & Condition & Contingency of Employment period that I must hold pregnancy or I can't get pregnant or must have consent that my rights as woman will be at risk

(See Exhibit X) and I am able to enter to "Probationary period"(April 3,2021-April 12,2022) (See Exhibit L-4).

In addition my original submission EEOC complaint was submitted on April 13, 2022 at 0300 pm (See Exhibit L-5).

SEE EXHIBIT X, TERMS & CONDITION & CONTIGENCY OF EMPLOYMENT My intention to be Pregnant become the contingency of the employment In order to be hired in NYC Health Hospitals. Dr Willby said I have to hold my pregnancy for 3 months in order to be hired because the MMR vaccine will harm the fetus or baby. I have to sign the paper of consent of the MMR vaccine will harm the baby if I am pregnant. I told Dr Willby I have intention to be pregnant and She said If I did not take the vaccine I will not getting job. I was force to take the vaccine in order to get a job. Dr Willby did not giving accommodation as per respondent position statement that I can request the form but Dr. Willby did not give me any form of accommodation and she stated that If I did not taking the MMR vaccine I did not getting the job. Dr. Willby stated that I have to hold my intention to be pregnant for 3 months in order to be hired with NYC+Health+Hospitals because I required to take 2 MMR vaccine policy in order to be hired. The vaccine will cause harm to the fetus/ baby. I was asked to sign the paper of the consent that I might refrain to be pregnant because the vaccine will harm to the fetus and the baby. The respondent (Dr, Wilby) Failed to accommodated to waive the requirement and force me to take the vaccine when I told Dr.Wilby I have intention to be pregnant. Dr Willby said if I did not take the vaccine I will not getting a job. I was force to take the MMR vaccine against my will. On June 19, 2021 I was accidentally pregnant and my fetus have no heart beat. (See Exhibit N-3, hospital discharge paper that I am of no heartbeat fetus).

See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5)I met the lady on March 4, 2022, Her name is Mahmuda. She said on her text messages during her physical examination for Hospital Care Investigator position at OHS she did not asked to take MMR vaccine. In addition The lady I met on OHS on March 4,2022 as new hire employee for Hospital Care Investigator Position and I believed her name is Mahmuda and her list no.586. She told me verbally that the doctor did not asked her to take the MMR vaccine instead the Doctor just took the blood from her.

(See Exhibit A3)My question was if second MMR vaccine can be hold until March 2022 why DR.Wilby did not let me to waive the vaccine in order to be pregnant at first place in March 22

2021 because I told Dr. Willby that I already have one MMR vaccine on my admission to Baruch College (**See Exhibit C-6**) and she did not let me to provide the paperwork of MMR vaccine from Baruch College to waive the requirement to accommodate my intention to be pregnant in March 22 or March 28, 2021 and Dr Willby still insisted to take the MMR Vaccine as requirement in order to be hired.

I told the nurse Beverly who give me the MMR vaccine injection that I am planning to get pregnant and I already took the MMR vaccine from the admissions to Baruch College and she put down the needle and go back speak to Dr. Wilby and Nurse Beverly notified Dr Willby that I already took the MMR vaccine from Baruch College and Dr Willby tell the nurse Beverly about me that "She don't understand she need 2 MMR vaccine in order to be hired" and Dr. Willby said to take the MMR vaccine now and comeback with the MMR documentation from Baruch College.

On the paper at (**See Exhibit A3**) is the proof of my second MMR vaccine can be hold until March 2022. On the paper stated that "EXAM TYPE: Pre Employment, Updated" on March 7, 2022.

Discharge Warning during my pregnancy while I am on probationary period (Hospital Police Academy). I was told by Captain Padilla "IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS". Going Upstairs meaning taking care of paperwork of the employment discharged after I submitted the doctors note regarding my June 25, 2021 GYN doctor visit, with the heading picture of pregnant woman holding the belly on the heading note had written heading of the Clinic Name stated on the heading "Health Care for Woman OB GYN".

June 30, 2021 Captain Padilla instructed Detective Santa Lay to adjust my belt and Tighten the belt during police academy after submitted the note with the picture of pregnant holding the belly and on the heading note Mentioned "HEALTH CARE FOR WOMEN OB GYN". Detective Santa Lay took me to the bathroom as per Captain Padilla instructions to tightened my belt and she adjust my belt so tight. I will never tight belt so tight like that because I have the baby inside but I need a job. On the same day at 5 pm I saw blood discharged and around 7 to 8 pm I went to NY Prebysterian in Flushing and stay in ER 14 hours and I was diagnosing Miscarriage (**See Exhibit N-5, hospital discharge of miscarriage on July 1, 2021** after I was having internal bleeding when I was told to tightened the belt on June 30, 2021 or I will be discharge, Captain Padilla instructed Detective Santa Lay to take me to the bathroom and she tightening my belt against my will).

Time frame on probationary period I believed denied the bathroom condition for woman is illegal because woman have monthly cycle menstruation. The respondent said on position statement that I was denied the bathroom because I failed to accommodate the Doctors note in order to be accommodated for bathroom(**See Exhibit F, Paragraph :3**) but I am woman sometime I have my period and I need to change the pads because It will cause the infection if I didn't change it. Also, during my menstruation I had urges to go to the bathroom more. Even Allah mentioned that can not hold defecate or bathroom urges in order to pray.

Dr. Willby stated that I have to hold my intention to be pregnant for 3 months in order to be hired with NYC+Health+Hospitals it's considered my intention to be pregnant become the contingency of the employment because Dr.Willby said I have to take 2 MMR vaccine policy in order to be hired. The vaccine will cause harm to the fetus/ baby. I was asked to sign the paper of the consent that I might refrain to be pregnant because the vaccine will harm to the fetus. The respondent (Dr, Wilby) Failed to accommodated to waive the requirement in order for me to be pregnant under my free will and force me to take the MMR vaccine when I told Dr.Willby I have intention to be pregnant. Dr Willby said if I did not take the vaccine I will not getting a job. I was force to take the MMR vaccine against my will. On June 19, 2021 I was accidently pregnant and my fetus have no heart beat. (**See Exhibit N-3**).

Discharge Warning during my pregnancy while I am on probationary period (Hospital Police Academy). I was told by Captain Padilla **"IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"**. Going Upstairs meaning taking care of paperwork of the employment discharged after submitted the doctors note regarding my June 25, 2021 GYN doctor visit, with the heading have pregnant woman holding the belly on the heading note and the Clinic Name stated on the heading " Health Care for Woman OB GYN".

Captain Padilla instructed Detective Santa Lay to adjust my belt and Tighten the belt during police academy after submitted the note with the picture of pregnant holding the belly and on the heading note Mentioned " HEALTH CARE FOR WOMEN OB GYN". Detective Santa Lay took me to the bathroom and she adjust my belt. I will never tight belt so tight like that because I have the baby inside but I need a job. On the same day at 5 pm I saw blood discharged and stay in ER 14 hours and I was diagnosing Miscarriage (**See Exhibit N-5**).

I believed denied the bathroom condition for woman is illegal because woman have monthly cycle menstruation. The respondent said I was denied the bathroom because I failed to accommodate the Doctors note in order to be accommodated(**See Exhibit F, Paragraph :3**) but I am woman sometime I have my period and I need to change the pads because It will cause the infection if I didn't change it. Also, during my menstruation I had urges to go to the bathroom more. Only women can understand how the bathroom is really important during period.

The respondent said that tightening the belt is part of company policy but I am the only one to asked to tightening the belt. This is not policy this disparate treatment because I am the only one to asked to tightening the belt by Captain Padilla when he said "Everybody go back to classroom except recruit Febrianti" because the department aware of my pregnancy from the note I was given to them when I went to visit doctor gyn doctor to check pregnancy on June 25 2021. Hospital police academy lecture Captain Padilla said the Hospital Police can get the medical records without permission from the employee. The respondent wanted to discharged me because they found out I was pregnant with no heartbeat.

That's why I told NY Presbyterian doctor that I will pray this baby will breathe again. I met 4 different doctors that night. The first two doctors send me to Sonogram at 0300am baby still there and Doctor No. 3 she said she doesn't work in this hospital and she came from another hospital and the reason of she come here she

just wanted to asked me questions who gave the vaccine and medication I told her that NYC health+hospitals told me I can't get pregnant within 3 months in order to be hired for NYC health & hospital because I need to take 2 MMR vaccine in order to be hired. She told me that the baby has no heartbeat and she gave 3 options whether I will do surgery or taking medication and it will be painful not sure which one third options I believed pull my hymen is the third option .

I told the third doctor that I will pray this baby will breathe again and she said the GYN doctor will examine and she said "we're not doing anything we just want to check down there". and she said don't worry we just wanted to check down there to make sure everything is okay when the doctor no.4 took me to examine room she was on the phone behind the curtain. I am not sure if she received the call or call someone that day. It seems she received instructions from somewhere.

Wallahu al azheem when I open my leg on the stirrup and she said I will feel pressure and she pulled my hymen and the blood comes up and she run leave the examination room and leave me alone without telling me nothing and few minutes later the nurse told me that I am done and asked to go back to the patient ER unit. It's about one hour later the doctor comeback she said she had to delivered the baby upstairs and she said you had miscarriages but my miscarriage because she pull my hymen and she said the baby is going down bit by bit.

This is not mistake this is premeditated by NYC health+ Hospitals because NY Presbyterian is affiliated with NYC health +hospitals. The doctor supposed to be the person you can trust. She break and she pull my hymen without my consent and run because my gyn doctor never check down there she asked to do sonogram only because my baby is 6 weeks old.

My gyn doctor didn't say my baby die she said let's see if we can hear the heartbeat next week supposed to meet her at July 3, 2022. The first 2 doctor did not check down there only the doctor no.4 came she asked to open my leg and pull my hymen and the blood drops on the floor.

The sonogram examiner told me that the baby will be born on February 19, 2022. She said the baby has no heartbeat.

I believed the third doctor who came and asked me about who gave the vaccine she worked for NYC health +hospitals because I think I saw her at metropolitan hospital at ER .

Retaliation: Refuse to Hire as Hospital Care Investigator List: 604

(EXHIBIT S) of this position DID NOT DELIVERED TO ME in the mail) AS PART OF MAHMUDA STATEMENT, I met the lady at at OHS 6th floor while I was attempted to go to OHS in March 4, 2024 as per Captain Laboy command to go to OHS (Employee Health). Her name is Mahmuda and her list #586. She told me she was there at OHS in order for onboarding process for Physical examination for Hospital Care Investigator(List ; 586) and she was showing me her(**Exhibit S, Onboarding process**)which she RECEIVED through mail which contain her , address and her list# and the address for onboarding process will be held which it almost the same with my special officers job offer I was received in the mail.

The respondent refuse to hire me as hospital investigator list:604 because of my protected activity of filling the internal religious complaint to Hospital police department(**See Exhibit A, Exhibit B, Exhibit E,**

Exhibit F) and protected activity of having Discrimination lawsuit against former Employer in Federal Court(SDNY) in 2015(See Exhibit X)

This time frame is the same time I supposed to received letter in the mail regarding this position. I never received anything in the mail, email or phone call about this position I believed the respondent refuse to hired me because of protected activity of filling internal religious complaint at NYC Health+Hospitals (See Exhibit A, Exhibit B, Exhibit N-2, Exhibit F)and retaliation of my filling the complaint of discrimination of my former employer while during psychological interview question(See Exhibit R) I was asked "Do you have any court proceeding" and my answer was yes I had discrimination against my former employer in federal court in 2015.

See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5)I met the lady on April 4, 2022, Her name is Mahmuda. She said on her text messages during onboarding process she did not asked to take MMR vaccine by the respondent that she was hired As Hospital Investigator and she said she received letter in the mail of her list number was up for onboarding process for the city jobs as Hospital Care investigator and she added she received email and phone too. The lady also show me her(Exhibit S) of her Onboarding employment process she received the letter in the mail and email and the phone and almost the same like the form when I received for special officers civil service notification in the mail .See Exhibit S

SINCERELY YOURS,



ERICA FEBRIANTI

RECEIVED

Joint LetterActivity in the case Febrianti V NYC Health+Hospitals 23CV-06175(JLR)

2025 JAN -6 PM 11:00

U.S. DISTRICT COURT SDNY

Honorable Jennifer L. Rochon

United States District Judge

Southern District Court of New York

500 Pearl Street

New York, NY 10007

Dear Judge Rochon,

I am currently, my pro se, non lawyer IFP Petition In Southern District of New York and have pending discrimination lawsuit against my former employer (NYC Health+Hospitals), Case # 23 CV 06175 base on : Religion, Age, Woman, Retaliation(refuse to hire as Hospital Care Investigator, list :604), ADA discrimination(refuse accommodation during prediabetic condition) See Exhibit

A. Description of the Case :

I am Erica Febrianti. I am Muslim, Female, 49 Years Old, a former Special Officers with NYC Health+Hospitals Bring this action under the State and Federal law and all the laws, the parties submit this joint letter in advance of the case Management conference scheduled for October 2, 2024.

- B. The respondent should not given motion of summary of judgement because the respondent acting intentionally, maliciously and fraud by not accommodating me to pray on time when I leave my post without undue hardship of the employer, violated my rights to be a mother, a woman when I was requested to be pregnant and my pregnancy become the contingency of the terms and conditions of the employment and only woman able understand the pain when I was force to tightened my belt against my will and I am the only one to asked to tightened the belt because the respondent aware of my pregnancy from the note I was given to them "Everyone back to classroom except recruit Febrianti" Captain Padilla said "if you have belt like that I will take you upstairs". Captain Padilla instructed Detective Santa Lay to tightened my belt against my will and my belly congested when Santa Lay tightened my belt against my free will. The respondent intentionally refuse to hired as Hospital Care Investigator because I filled internal religious complaints which the same time frame I supposed to received letter in the mail regarding this job according to Mahmuda Statement(Exhibit C-1, C-2 Through C-5). The respondent use the same tactics of discharge as my defective case in 2016 which I was constructive discharge first and termination letter send in the mail latter to cover constructive discharge which investigation between my constructive discharge and termination letter send through certified mail. Another Protected activity was described as follows:

Religion Discrimination, constructive discharge on April 9, 2022

Religion: Islam : force to leave Islam by Sgt Rodriguez On April 9, 2022 ; I have to choose God or Job and constructive discharge because of misconduct of praying and I said "Allah first" when in Islam I have to pray on time and Allah should be first to be serve and April 7, 2022 or 2 days prior of constructive discharge central command officer(Officer Wood) and field supervisor(Sgt Rosado) said I will not accommodated to pray on time anymore and they will relieved to pray late from now- on which against my religious because in Islam Allah's command come first and supervisor's command(worldly matters) come second **(See Exhibit L-3)** During my religious discharge on April 9, 2022 I was forced to give it my religion Islam In order to keep my position as Hospital Police at NYC Health+Hospitals when Sgt Rodriguez asked me that I have to choose God Or a job because in Islam Allah must come first and world matter come second. Sgt Rodriguez asked me to choose God or A job is extremely infringement my religious belief and force me to leave my religion Islam because God Or a Job in Arabic we called "Tawheed" "Shahada" testified that Allah is the first to be serve and the only God and Prophet Muhammad is the Messenger of Allah. Allah must come first in Islam. The Second one : Prophet Muhammad peace be upon him. Third one to be serve is "your mother", the fourth " your mother" and the fifth one is "your mother" and the sixth one is "your father" and seventh : is worldly matter such as jobs, etc. Prayer according in Islam is the head of the body. I have to pray on time.

On April 9, 2022 incident represent testimony of my faith when challenge me the commitment of my faith In Islam (Tawheed) when I was asked to choose God or a job in order to work there and I was considered discharge when I said "Allah first".

In order to stay to be Muslim I have to leave the job because Sgt Rodriguez asked me question to choose God or A job and he said comeback tomorrow if I choose job first and it will never happened because In Islam my life, my death is for Allah only and the reason of my discharge as respondent position statement when I said "ALLAH FIRST" because Sgt Rodriguez said comeback tomorrow if I choose Job first meaning comeback tomorrow if I become kafir (disbeliever).

(See Exhibit G) On March 28, 2022 Captain Melendez said the same verbal word " this job not for you, you have to choose God or a job" when he refuses my internal religious complaint against Detective King when he said the department not able to accommodate early prayer time all the time but at the time Captain Melendez still allowed me to stay at my post and he did not asked me to leave building as per April 9, 2022 incident my post was given away and I was asked to report to Hospital Police headquarters for misconduct of praying when Sgt Rodriguez aware the reason I was leave the post in order to pray and he asked me to choose God or a job in order to work there and he said I have to clock out at 5 am that day and he said comeback tomorrow If I choose job first but in Islam Allah commands come first and other command come second and I have to leave the job in order to be a Muslim and to keep my religion and on April 7, 2022 the hospital police department said not willing to accommodate my early prayer time anymore and if I leave the post I will get write-ups. Sgt Rosado said Sgt Rodriguez instructed all central command officers and field supervisors to relieve late to pray from now-on. Sgt Rosado said "sorry no more early prayer time for you anymore". I told them I will walked out the post if nobody relief me to pray when I almost walked the post. Detective King to relief me to pray on April 7, 2022 but I almost in contingency situation almost walking out the post. Sgt Rosado and Officer Wood did not said she was coming to relief me. I called out on April 8, 2022 and send email the hospital administration and CEO Operation need permission to walked the post if

nobody relief me to pray when I said Allah's Command come first and HP command not to abandoned the post come second if nobody relief me to pray(See Exhibit F, EXHIBIT N-2)

(See Exhibit G) On my internal religious complaint against Detective King, Captain Melendez reply verbally that the "this job not for you", "you have to choose God or a job" and "the department not able to accommodate early prayer time all the time".

On April 09, 2022 Sgt Rodriguez said go home and think and comeback tomorrow if you choose Job first it never happened because in Islam Allah must come first to be serve(Prayer like head in the body) according to the hadith of Rasulullah peace be upon him.

See Exhibit B, Exhibit C, Exhibit G. On March 28, 2022 when Captain Melendez also mentioned the statement to choose God or a job but he did not discharge me from my post when he refused my internal religious complaint against detective King(See 36 hours delayed reply gap from initial complaint(Compare Exhibit B and Exhibit C time frame). My internal religious complaint was denied verbally until I sent another email (See Exhibit G) when Captain Melendez said the department not willing to accommodated early prayer time all the time until on April 7, 2022 I was verbally given stern and official warning statement that the Hospital police department not willing to accommodated early prayer time anymore and if I walked the post I will get write-ups.

I provide the hadith of Tawheed of the best woman in the word the wife of Pharaoh who choose death over changing her religion to testified pharaoh as God but she keep insisting Allah is the only God and the same with my situation when I choose Allah first and I was constructive discharge.(See Exhibits Hadith on Tawheed or In English we called Allah first.

On April 9, 2022 it's Ramadan too, I did not given the accommodation in order to eat seheri (Pre-dawn meal) for preparing for 14 hours fasting and to pray on time. Even though I already asked the accommodation by sending email to Hospital Administration and CEO operation of NYC Health+Hospitals on April 7, 2022 regarding need permission to eat seheri(Pre dawn meal before Fasting), Bathroom accommodation and need permission to walked out the post if nobody relief me to pray(See Exhibit D, Exhibit F, Exhibit H).

Allah first is testimony of my Islam faith and In ARABIC said "Lailaha Illallah and Muhammad Rasullulah" is the most important part of testimony of my religion as Muslim.

The hadith mentioned that the word "Allah first" cannot be measure of worldly life or in Arabic Lailaha Illallah word if we put in on scale the worldly life and the heaven cannot able compensate or balance the word because this word is the most of powerful word in Islam. With this word people can enter to paradise or Hell. Sgt Rodriguez my supervisor at NYC HEALTH OF HOSPITAL on April 09, 2022 force me to give up my testimony of my faith, Islam or commitment to my religion which "Allah first". Sgt Rodriguez asked me to give it up my religion, Islam and become the Kafir(Leaving Islam) in order to keep my position as Hospital Police at NYC Health+Hospitals because of misconduct of praying.

The religious discharge incident happened During Fajr prayer which according to The hadith of Prophet Muhammad peace be upon him said that the Fajr Prayer was witness by the 2 different group Angels which my conversation with Sgt Rodriguez was witness by morning and afternoon angels when The Respondent, Sgt Rodriguez was forced me to give it up my religion Islam when In islam Allah must

come first. The confirmation of my faith "Allah First" as part my religion crucial testimony in Islam in order to keep my commitment as Muslim or Kafir(Non believer).

The Discussion & Management Plan(I leave my post without undue hardship of the Employer)

(See Exhibit L-3) There was no undue hardship on 04/09/2022 while I was praying on my religious discrimination case because Officer Martinez called me on the radio from central command phone approximated at 0509 am while I was praying and I spoke to officer Jones at 0458 am from central command phone to notified her that I will leave my post in order to pray because nobody relieve me to pray.(See Exhibit L-5).

They have plotted and planned to discharged me under undue hardship but Allah is the best planner. When I arrived to 8th floor hospital headquarters Sgt Rodriguez came out from central command and I heard many officers at central commands office chit chatting and laughing usually it was only one officer needed for central command office at midnight shift.

I give my bulletproof to officer Wood when I called to open the door at 8th floor door because I already give The key to Sgt Rodriguez.

I leave my post at 0458 am on 04/09/2022 and The department had 5 unnecessary officers on 04/09/2022 between approximately 0500-0530 am included Sgt Rodriguez at central command station HP Headquarters(officer wood, officer Jones, officer Martinez, Detective king) which they supposed to relieve me to pray instead of chitchat doing nothing. One of them supposed to relieve me to pray. One more time I would like to tell the court and wallahu al azheem there was no undue hardship. Allah is my witness. My post save and clear. I was confused when the respondent said undue hardship to the employer.

I heard their voice of many officers at central command when Sgt Rodriguez opened the central command door when he sees me on the camera when I arrived from 12th floor from the mosque after the radio distracted me during my prayer asked me to report to roll call office at 8th floor Hospital Police

Headquarters.

There was no undue hardship but the department was busy to discharged me. Approximately At 0509. I heard the radio to 10-2 meaning report to misconduct of praying. Approximately At 0515 talking to Sgt Rodriguez that I was asked to choose God or a job in order to work there(**See Exhibit L-3**) Approximately At 0525 officer jones called me in the locker from central command that they needed the hat badge too. Approximately At 0530 I give my bulletproof, police memo book, my ^Wbadges to officer Wood.

So definitely the officers & Hospital Police department was busy to discharged me. Detective king was not say much because she was there at central command office when the department was there for her and prepare for my discharge because of my internal religious complaint against her.

On 04/09/2022 we have additional officers that night because we have post 7 (**See Exhibit C-19**) stated that on this exhibit that post 7 assigned only if we have more officers and post 2b was assigned to officer chapagain. Post 2B supposed to work on ER only not moving officer or responding the call outside ER but that night post 2B was assigned to somewhere else. Post 2B supposed to relieve me to pray. But nobody relieved me to pray But my post safe and clear and once again I would like to tell the court that I leave my post at 0458 am (**See Exhibit L-3, See Exhibit L-5**). As per original EEOC complaint submission at April 13, 2022 I told EEOC that I leave my post at 0458 am when nobody relieved to pray(**See Exhibit Exhibit L-5**).

On respondent position statement said according to Captain Melendez said that I leave my post at 0445 am. This statement was false statement he wasn't there he worked in the morning shift. (**See Exhibit S-5 position statement file page, section II, Paragraph 2**).

I wanted to tell the court I leave my post at 0458 am and I did not given the accommodation to pray and pre-dawn meal accommodation for Ramadan. My prayer time at 0509 am and I need 10 minutes for bathroom relieve and ablutions and I was not given pre dawn meal(suhur) to eat. I was requested to pray accomodation needed to eat in order to fast for 14 hours for Ramadan in my email to hospital administration(**See Exhibit F and Exhibit N-2**) but no reply I was discharge instead.

Discrimination base on Sexes : Female;

See Exhibit X My rights to be mother was taken away and intention to be pregnant become the contingency of the employment when my request to be pregnant was denied and Dr Willby asked me to sign the consent of my baby will be harm if I am pregnant in order to pass the terms and conditions of

the employment. I told Dr. Willby I have intention to be pregnant and also I told her that I already took one MMR vaccine from college. Dr Willby said I need 2 MMR vaccine in order to be hired and if I did not take the vaccine I did not get the job. I took the MMR vaccine against my will and unfortunately I was pregnant without heart beat fetus.

My intention to be pregnant is the contingency of the employment in order to be hired in NYC Health+Hospitals. I was told by DR. Willby that I can't get pregnant within 3 month in order to be hired and I was required to sign the consent that the MMR will harm the fetus or baby if I am pregnant. Dr Willby did not accommodated my intention to be pregnant or asked me to sign the paper to waive the requirement of the MMR vaccine. I told her that I have intention to be pregnant but my request was denied. She still insisted to take the MMR vaccine or I will not getting the job. I was asked to sign the paper of consent that MMR vaccine will harm the fetus or baby if I am pregnant.

(See Exhibit A-3) In March 2022 I was told by Captain Laboy to go to OHS 6th floor(Employee Health) and when I went to OHS 6th floor Dr. Wilby said she wanted to give me the second MMR vaccine and she said I should comeback last year in June 2021 to take the second MMR vaccine but I did not come but I already provide her the documentation from Baruch College that I already took the MMR vaccine but DR.Willby said she need the lab report.

(See Exhibit A3) My question was if second MMR vaccine can be hold until March 2022 why DR.Wilby did not let me to waive the vaccine in order to be pregnant at first place in March 22 2021 because I told Dr.Willby that I already have one MMR vaccine on my admission to Baruch College **(See Exhibit C-6)** and she did not let me to provide the paperwork of MMR vaccine from Baruch College to waive the requirement to accommodate my intention to be pregnant in March 22 or March 28, 2021 and DR Willby still insisted to take the MMR Vaccine as requirement in order to be hired.

I told the nurse Beverly who give me the MMR vaccine injection that I am planning to get pregnant and I already took the MMR vaccine from the admissions to Baruch College and she put down the needle and go back speak to Dr. Wilby and Nurse Beverly notified Dr Willby that I already took the MMR vaccine from Baruch College and Dr Willby tell the nurse Beverly about me that "She don't understand she need 2 MMR vaccine in order to be hired" and Dr. Willby said to take the MMR vaccine now and comeback with the MMR documentation from Baruch College.

On the paper at **(See Exhibit A3)** is the proof of my second MMR vaccine can be hold until March 2022. On the paper stated that "EXAM TYPE: Pre Employment, Updated" on March 7, 2022.

I have the text message on March 4, 2022 and Mahmuda Hospital Care Investigator List#586 said she didn't mandated to take the MMR vaccine in order to be clear for medical clearance on March 4, 2022 for the Hospital Care Investigation position at NYC Health+Hospitals. See Exhibit B1

I think she told me verbally she was asked for draw the blood only for her medical clearance requirement.

In addition On march 4,2022 at OHS 6th floor she show me her Exhibit S of her Hospital Care Investigator List :586 with her name, her address and her list number and the address to go for background interview with the time and the date of appointment written on the paper. The paper similar with my special officer job offer which I was received on November 2020(Exhibit S).

I met Dr. Wilby twice. The first one I met her on March 04, 2022 and she told me to clear my medical clearance from last year and she told me I supposed to comeback for 2nd MMR vaccine in June 2021 but I didn't comeback for the vaccine. I realize I was accidently pregnant on June 2021 . I did not hear anything from her until I was told by Captain Laboy to go to OHS 6th floor to Dr Wilby office in March 2022.

Dr Wilby instructed me take the second MMR vaccine again on March 04, 2022 for medical clearance but I refuse and I told her I can't take another MMR vaccine because I already took it from school. I was told I will relief from duty if I didn't take it. I told her I will get the copy from MMR vaccine from my school at Baruch College. She told me I must get lab report from my school. I went to Baruch College admission and they said they only able to give this paper only(See EXHIBIT C-6). Baruch College give legitimate paperwork that I took the MMR vaccine and I remember I took the MMR vaccine at the school, See Exhibit C-6. Baruch College admission said the doctors can use the blood work to check if I was Immune to MMR vaccine and she said she don't know why my employer make it as big deal and need the lab report. it was not a big deal she said but I told her it's for employment or I will be relief from duty if I do not have lab report. I went to Baruch College on the same day Friday, March 4, 2022 to get my MMR vaccine paperwork. I was off on the weekend on March 5 (Friday night to Saturday morning) and March 6, 2022 (Saturday night to Sunday Morning). See Exhibit C-9.

On March 07, 2022 The second time I met Dr Wilby in order to submit my MMR vaccine paperwork without lab report from Baruch College. See Exhibit C-6 and she was accepted the paper and she said my medical was clear and she gave me the paper(Exhibit A3). She said she was just checking to my blood results that I was immune to MMR vaccine. She told me my next annual medical appointment will be on April 18, 2022.(See Exhibit A3).

AGE DISCRIMINATION

SEE Exhibit Q(1-4), See Exhibit L , See Exhibit M, N, O, P)I can prove the court that my negative performance, denied shift preference and give my shift preference to younger new officer(See Exhibit C-10) or denied request working in the morning shift, did not received training properly as per younger new officer had , denied of rotating working assignment(See Exhibit T), refuse bathroom accommodation, harassment from supervisors during rollcall, refused me to be part of the team,

refused to access the surveillance camera when my jacket was missing was prima facie of discrimination because of my age, accusation not checking employee ID(**Exhibit A-1**).

There are many discrepancies on my negative performance because my police memo book indicated that I was off on the day I was told by the Hospital department that I was "fail" to perform some job task(**See Exhibit Q,1-4**), **See Exhibit K,M,N,O,P**) and my supervisor evaluation section did not indicated the specific date or incident and the system indicated that the file was created by "profile" all of the date written as the same date:05/03/2021 at 12:03 am(**See Exhibit M-66**). The respondent give more opportunity to the new younger officer in terms and conditions of the employment.(**See Exhibit C-14& Exhibit C-15**)

The respondent refuse to hire due to retaliation of I was filling internal religious complaint(**See Exhibit A,B,G,F,N-2,L-3**) and my protected activity of filling the discrimination case in SDNY in 2015 when I asked the question during psychological interview for special officer interview(**See Exhibit R**) "Do you have any court proceeding" and I said yes I had discrimination case against my previous employer in 2016.

All DCAS procedure the respondent must send me the mail, email and phone notification about my Hospital Care Investigator List#601(**SEE EXHIBIT L-2**). I never received any notification in the mail or email or phone from the respondent.

(**SEE EXHIBIT M-65**)The respondent try to hide the facts that my write up was created by Captain Melendez see the original of my supervisor evaluation which I received on November 19, 2022(**See Exhibit M-66**) see section 9 on "supervisor evaluation file" stated that the file was created by Captain Melendez after I was submitted the covid vaccine card on September 24,2021(**SEE EXHIBIT I**), **SEE EXHIBIT AUDIT HISTORY**, the system said the file was created by Captain Melendez.

Compare to the respondent second evaluation at section 9(the file login log by Sgt Rosado & Captain Melendez login was erase. See my original supervisor evaluation the date sign by Sgt Rosado at Nov 2, 2022 but the file given to me on November 19, 2022 and the file was created by Captain Melendez desk.

See the second evaluation at section 9 the file stated it was created Sgt Rosado and if we look at the file, the system stated the login of Sgt Rosado and this file is Internal documents is not constitute or legit documentation that I am a bad employee because in auditing accounting procedures in order to audit

company income should be relied on external documents and internal documents does not count as a legitimate documentation that I am bad officer must be external documents.

I did not mean exaggerating myself but I think I do better than other employees in the terms of checking employee ID because many employees at NYC health +hospitals said to me that I am the only one who stern check employee ID even though I know for sure some employees who worked there which I saw every morning but it is part of my religion .Allah said your mom have rights over you, Dad, husband, employer, your body have rights over you, Allah have rights over you too. Allah rights over me is to worship when it is time to pray. I have to pray. My body rights over me is to use the bathroom if I needed to, no drugs, do not harms your body. Allah said the relationship between me and him it is depend how I treated the other creation if I did not do my job at work Allah will not satisfy with me.

I always do my job as best as I could but I know for sure the negativity because of my age. The keys is starting from Detective king and she went to HR, Captain Melendez, Theodore Stellas say negativity because of my age and I believed they discussed about my age because Captain Melendez requested me to send him my covid card which contain my age and birthday and others don't. (See Exhibit I)

Detective king told me many time HR will come to get me and she will put negative performance on my file she said "it's going to be on your file". All of this because I revealed my age to her. My age cause the adverse to the department. She told she will put negative working performance on my file and this is the reason why on the supervisor evaluation stated it was created by "profile" and have the same date & time (See Exhibit M-66).

She also aware I am on the list and I am waiting for to be call for hospital care investigator position at NYC health+hospitals when she used to be nice with me. Our locker rooms is side by side since I revealed my age to her she started to change her behavior towards me but at the time she just regular officer and when officer Phillips leave the job she was promoted to central command and since then the first time she said in order to pray I must requested permission from Sgt Rodriguez or field supervisor on duty the night before and I must requested during roll call briefings and when I asked Sgt Rodriguez during roll call briefings that the first time Sgt Rodriguez refuse the accommodation for me to pray when he said during roll call in front of others officers that "we all pray to almighty God pray where you stand"

I told him that I need to do ablutions and I need to cover my hair and when I praying not supposed to see by man. I cannot pray in my post I need to perform ablution and not supposed to see by man.

I need permission to go to the mosque at 12th floor. I believed a week later that Sgt Blount said I cannot go to the bathroom, officer Smith (he graduated with me on July 23 2021) who assigned at central command said Sgt Blount instructed him not to relieved me for bathroom but I need to pray too.

I called to report to central command operations when Sgt Blount and Sgt Rodriguez was there. Sgt Blount said what did I told you about the bathroom and I told her I cannot hold the bathroom anymore and I needed to pray too. Sgt Blount said the department need doctors note if I will be using the bathroom every morning. Sgt Rodriguez said he does not have people to relieve me to pray at midnight shift in order for me to pray and he suggested that I should asked Captain Melendez to move to morning shift because they have enough people in the morning shift to relieve me to pray.

In October , 2021 A week later I got write up from Sgt Melendez for leaving my post for bathroom urges and needed to pray. I told him I cannot hold my bathroom anymore it was so painful so urges I am really in need to go the bathroom and I need to pray too. At the time I asked Captain Melendez as per Sgt Rodriguez told me that midnight shift do not have enough people to relieve me to pray and I told Captain Melendez I wanted to move to morning shift and Captain Melendez said he cannot move me to morning shift because he got enough female officers in the morning (I found out in December 10, 2021 he put younger new female officers 22 yrs old) officer Sultana working in the morning shift)and Captain Melendez said I should asked Sgt Rodriguez about I need to pray.

Sgt Rodriguez give post 2B which accommodate me to pray because this post is additional post for ER and this post no need relieved, freedom post I relieve myself. I worked post 2B in week days and in the weekend I worked on post 4 which Detective king was off in the weekend. Because Detective king refused to accommodate me to pray and it was fine with me because she was off in the weekend so other central command (wood) officers who work in the weekend was relieved me to pray.

But In the end of January 2022 Sgt Rodriguez said the department removed post 2B from my assignment but i found out they assigned post 2B to another officers.

I remember the last time when I worked for post 2B Detective king removed me from post 2B and since then I was assigned to post 4 permanently which I had difficulty to pray. Until February 25, 2022 (See Exhibit A) I had internal complaints to Captain Melendez about I need to pray on time and needed to relieve before prayer time because I needed more time for ablutions and bathroom urges relieve.

On March 27, 2022(See Exhibit B) I had the second religious internal complaints altercation with Detectives king who refused accommodation for me to pray

I send email to Captain Melendez no reply until I met him in person when he passing my post(post 4) and he said the department not willing to accommodate all the time.(See Exhibit G) I send him another email that I need statement in writing and he send the reply with the cc attachment of hospital administration that they will investigate the supervisors who involved and not sure if Detective King is on leave or vacation(See Exhibit C) When Detective king on leave during my internal religious complaint investigation Sgt Rodriguez came to my post and said that's why I give you post 2B so you can pray but after Detective king comeback from her leave the situation back to intense again and I did not accommodate to pray on time and situation getting worst until April 7 2022 the department said they do not willing to accommodate my early prayer time anymore. I called out on April 8 2022 and on April 9 2022 I was discharged because I leave my post in order to pray. I was constructive discharged because of my religious beliefs.

Age Discrimination discovery

Locker room conversation with Detective King is the most important key which leading the discrimination base on age discovery. My locker was side by side with Detective King

In August 2022 ^{→ 2021} I revealed my age to Detective King when she said she was 44 years old and have 4 grand kids and when I said to her "me too" in the sense that I am in the kind of age range and the next days she was acting differently which effecting terms and conditions employment when her position as senior trainer who train new people in HP police department at Midnight shift and she differ me in the way I was train when the new youngster officer(Officer Chapagain, Officer Smith) were given the full training of patrolling post but I did not given the full

training of patrolling post and I feel the negativity from her when the department started to place me on Post 4 main lobby(restricted post) without finish my patrolling post training and my patrolling post at post 10 did not finish and she did not fully trained me on Post 8 when she undisclosed or eliminated the task of assignment on post 8(Central command operation Break procedure)by asking me to sit by ER in order for me not learning of the post 8 completely which on post 8 the part of assignment is to relieve Central command for the break and lunch but morning shift on post 8 officer Hewitt teach me completely.

Detective King told me verbally she will put negative performance on my file. She also said the HR will come to get me and I believed all poor performance from her because I never encountered with Sgt Rosado(**See Exhibit Q, Poor Performance**). But Sgt Rosado and Captain Laboy, both stated that "people upstairs(14th floor) don't like you" which disclosing HR was behind all of this. 14th floor is the HR office and Risk Management office.

See Exhibit Q My negative working performance files was given to me on November 2021(See Exhibit Q) was created by profiles and with the fixed dates and times in the end the audit computer log History (**See Exhibit Audit History**) the files indicated the files was created by Captain Melendez desk and transferred to Captain Rosado by Human Resource Assistant Director(Angella Mullett). From here I strongly believed all this poor performance was created by Detective King because she is Captain Melendez's rights hand because they were working together since Captain Melendez just a regular officer.

As Per position statement said that I did not check ID in daily basis. This statement not true at all because I am very stern about checking employee ID. See my police memo book indicated that I wrote down the person who refused to show her or his ID. This statement indicates that I did check Employee ID. If I am really did not check ID the defendant did not have to wait until I get constructive discharge first(April 9, 2022) to fired me and send the termination letter in mail on April 12,2022 Because the officer who did not check ID is have probable cause to get terminated on the spot not waiting until I get constructive discharge to fired me.

On November 2021 Sgt Rosado and Captain Laboy said "people upstairs don't like you" On November 2021 , Sgt Rosado and Sgt Laboy that I refused union delegated They did not which part I did not good at because they mentioned

"upstairs" represent 14th floor which the office of human resource and risk management officer.

SEE Exhibit See the negative working performance files from the respondent on Position statement which I never received was added Sgt Rosado login and Modified by Sgt Rosado with time and dated and captain Melendez login was erased The respondent also mentioned my second evaluation did not signed not sure if the respondent accused me that I refused to sign but I never asked to sign the second evaluation and I never received it either.

ADA DISCRIMINATION(SEE EXHIBIT Z-98, EXHIBIT Z-103, EXHIBIT Z-104)

My accommodation to pray struggling to be accommodated has caused me not given the opportunity to request accommodation under ADA due to my prediabetic condition (December 12, 2021- April 09, 2022). I went to the doctor for medical check-ups and the doctor said I have pre-diabetic condition but at the time I was place in post 2B where this post no need relief for bathroom and prayer until in the end of January 2022 I was asked to removed to post 4 main lobby by Detective King (central command officer) and a few weeks later Sgt Rodriguez said to me they eliminate post 2B from midnight shift but I found out they still have this post 2B but it was assigned to another officers. Since I had been place in post 4 main lobby permanently I got encountered with Detective King (**See Exhibit B**)and prior this incident I filled the first religious internal complain(**See Exhibit A**) and the second internal complaint(**See Exhibit B**), **See Exhibit N-2** and **See Exhibit F** until leading to my constructive discharge (**See Exhibit L-3**) and (**See Exhibit L-4**)My accommodation to pray on time was struggling to be accommodated made me not able to request the bathroom under "ADA" when I was disclosed my health situation of Prediabetic situation during EEO interview was conducted on April 13, 2022(**See Exhibit V**) when I said to Steven Strauss(EEO Officer) "I don't want to blame NYC Health+hospitals for having pre-diabetic condition" and he asked me to filled the bathroom accommodation and discrimination form I did not filled out the form because I already discharge on April 12, 2022(**See Exhibit L4**). Also Steven Strauss did not let me to finish my sentence when He said "and" .. "and"... when I said " I leave my post without undue hardship of the employer" he did not let me finish the sentence and he shh... me he said "st..SST.. he did not let me to finish my sentence. he said he will called me back but he seems have conflict interest with NYC health+hospitals. He asked to filled the bathroom accommodation form and discrimination form but I did not returned the form back and I filled the EEOC complaint instead that day on April 13, 2022 at 3 pm (**See Exhibit L-5**), (**See Exhibit Y**). He did not giving me the opportunity to speak and he limited to say "Yes or NO" question and I do not give the opportunity to speak under free will like EEOC complaint. I don't think if he will investigate himself by eliminate the point I would like to say.

Refusal of Bathroom accommodation and needed the doctors note in order to be accommodated for bathroom

In October 2021 Sgt Blount and Captain Melendez said "***you need the doctor note if you will be going to the bathroom every morning***" but in October 2021 I did not diagnosed for Prediabetic condition yet and the Doctor asked me if I feel normal going to the bathroom every morning and I said yes and he told me going the bath room every morning is not signed of sickness. The doctor said he went to the bathroom every morning too.

RETALIATION REFUSE TO HIRE DUE TO MY PROTECTED ACTIVITY(See Exhibit L-2)The respondent refused to hired me as Hospital Care Investigator List: 604 because of my protected activity. I filled the religious internal complaint to Captain Melendez regarding Sgt Rodriguez(Tour 1 Commander)on February 25, 2022(**See Exhibit A**) and Detective King on March 27,2022(**See Exhibit B**), March 29, 2022(**See Exhibit C**), March 28, 2022(**See Exhibit G**), April 07, 2022(See **Exhibit N-2**), April 07, 2022(**See Exhibit F**). This time frame also the same time I supposed received the letter in mail or email regarding this position. I do not received anything in mail or email regarding this position.Also during the psychological virtual interview(**Exhibit R**) I was asked questions "Do you have any court proceedings" and I said yes I had discrimination lawsuit with my former employer in 2015. I disclosed my discrimination lawsuit against my former employer in court. THE RESPONDENT USE THE SAME TACTIC of DISCHARGE from MY PREVIOUS LAWSUIT IN 2016 AGAINST STARWOOD WORLDWIDE BECAUSE I WAS CONSTRUCTIVE DISCHARGE FIRST ON JUNE 19,2015 WHEN UNION DELEGATED WHO REPRESENT THE COWORKERS AND DEFENDANTS WERE STAY TOGETHER TO DISCHARGE ME(2016 case Docket #24 OF 15CV 635) SENT LETTER TO JUDGE FURMAN ON JUNE 19, 2015 AND TERMINATED LETTER SENT BY STARWOOD WORLDWIDE BY CERTIFIED MAIL ON JUNE 30, 2015 BUT REGARDLESS I WAS TERMINATED IN JUNE 30, 2015 OR NOT I WILL NEVER WILLING TO COMEBACK TO CONDUCTED INVESTIGATION WITH STARWOOD WORLDWIDE BECAUSE OF DISCRIMINATORY INVESTIGATION ON MY INTERNAL COMPLAINT OF HOSTILITY WORKING ENVIRONMENT COMPLAINT IN MARCH 2014 WHEN I WAS ACCUSED FOR BREACH COMPANY POLICY OF "SOLICITATION" regarding the incident February 28, 2014 unfairly to describe what happened. During psychological interview (**See Exhibit R**) I exposed all my discrimination discharge and I explained about my confusion about starwood worldwide employment so complicated and not sure whether I was fired or quit the job because the labor board said I quit the job but I did not quit I was discharge and my keys was taking away from my possession and I was force to leave the premises with my working shoes.The interviewer on psychological interview online interview did apologize about what happened to me not sure is he apologize of all of my discrimination discharge on employment history or I lose my jobs when I took FMLA to visit my DAD who got stroke have 6 months to live.

STARWOOD WORLDWIDE	NYC HEALTH+HOSPITALS
<p>SUBJECT MATTER OF DISCHARGE; REFUSE THE INVESTIGATION on June 19, 2015 because of the DISCRIMINATORY INVESTIGATION ON HOSTILITY WORKING ENVIRONMENT COMPLAINT in March 2014 regarding incident ON FEBRUARY 28, 2014 (DID NOT ADDRESS PROPERLY DENIED BY THE DEFENDANTS AND ACCUSED ME OF BREACH COMPANY POLICY ON FEBRUARY 28, 2014 INCIDENT</p>	<p>SUBJECT MATTER OF DISCHARGE ; RELIGION MUST CHOOSE GOD OR A JOB. CHOOSE GOD FIRST : CONSTRUCTIVE DISCHARGE</p>
<p>JUNE 19, 2015, THE UNION DELEGATE WHO REPRESENT COWORKERS AND DEFENDANTS STAND TOGETHER TO DISCHARGE ME. I REFUSE THE INVESTIGATION DUE TO DISCRIMINATORY INTERNAL COMPLAINT INVESTIGATION in March 2014 on FEB 28, 2014 incident ACCUSED ME FOR BREACH OF SOLICITATION POLICY WHEN I AM NOT THE ONLY ONE DID THE SOLICITATION AND I AM THE ONLY ONE TO BLAME OF BREACH COMPANY POLICY BECAUSE I FILLED THE INTERNAL COMPLAINT OF MARIORA SFERA, THE SUBJECT RACE DHR COMPLAINT in 2008 DISCLOSE MY PROTECTED ACTIVITY WHEN SHE WAS DISCLOSED THE REASON SHE WAS BEING REMOVED FROM W UNION SQUARE TO W HOBOKEN RELATED TO DHR RACE COMPLAINT 2008 WHEN SHE SAID TO ME IN FRONT OF COWORKER ; I REMOVED FROM W UNION SQUARE, ARE YOU HAPPY NOW, HER STATEMENT COST ME HOSTILITY WORKING ENVIRONMENT FROM WHITE AND NON WHITE COWORKERS,</p> <p>AND MY HOSTILITY INTERNAL COMPLAINT DID NOT ADDRESS PROPERLY BY STARWOOD WORLDWIDE BECAUSE STARWOOD MORE EMPHASIZE OF DISCUSSING OF I BREACH</p>	<p>APRIL 09, 2022 THE UNDUE HARDSHIP CREATED WHEN THE OFFICERS STAND TOGETHER TO DISCHARGE ME BECAUSE OF RELIGIOUS INTERNAL COMPLAINT AGAINST DETECTIVE KING</p>

<p>COMPANY POLICY MORE EVEN THOUGH STARWOOD WORLDWIDE AWARE THAT MORE THAN 50 EMPLOYEES WHO ENGAGE WITH SOLICITATION TO HELP DARLYN MAYORGA FAMILY MEMBER WHO PASSED AWAY I AM THE ONLY ONE TO BLAME OF BREACH COMPANY POLICY SOLICITATION BECAUSE I FILLED THE INTERNAL COMPLAINT OF STARWOOD HAS DISCLOSURE OF DHR RACE COMPLAINT 2008 (MARIORA SFERA STATEMENT REMOVE TO W-HOBOKEN RELATED RACE DHR COMPLAINT IN 2008) TO COWORKERS AND CAUSE HOSTILITY WORKING ENVIRONMENT FROM WHITE AND NON WHITE COWORKERS</p>	
<p>REFUSE THE INVESTIGATION LEADING TO DISCHARGE BECAUSE THE DISCRIMINATORY INTERNAL COMPLAINT INVESTIGATION IN MARCH 2014 REGARDING INCIDENT ON FEBRUARY 28, 2014 WHEN I WAS FALSELY ACCUSED BY DEFENDANTS OF I BREACH COMPANY POLICY "SOLICITATION" BY STARWOOD WORLDWIDE AND MY INTERNAL COMPLAINT HOSTILITY WORKING ENVIRONMENT COMPLAINT DID NOT ADDRESS PROPERLY BY STARWOOD</p>	<p>REFUSE TO STAY ON THE JOB DUE I HAVE TO CHOOSE BETWEEN GOD OR A JOB I WAS DISCHARGE BECAUSE I CHOOSE GOD FIRST</p> <p>ON APRIL 10, 2022 CEO OPERATION SAID EEO OFFICER WILL CONTACTING ME BUT I GOT TERMINATED FIRST ON APRIL 12, 2022 AND THE EEO CONTACTING ME ON APRIL 13, 2022 AT 10;50 AM (SEE EXHIBIT V)AND 1100 HE CALLED ME ON THE PHONE BUT HE DID NOT LET ME FINISH MY SENTENCE WHEN HE SAID "AND', "AND WHEN I SAID " I LEAVE MY POST WITHOUT UNDUE HARDSHIP OF THE EMPLOYER" HE DID NOT LET ME FINISH MY SENTENCE. He SAID SHH ME "ST SSST..." HE SAID HE WILL CALLED ME BACK BUT I BELIEVED HE HAS</p>

STARWOOD WORLDWIDE	NYC HEALTH+HOSPITALS
<p>TERMINATION LETTER SENT STATED ON JUNE 30, 2015 TO COVER THE JUNE 19, 2015 THE JUDGE FURMAN STATEMENT I DID NOT COMEBACK TO WORK CAUSE ME TERMINATED ON JUNE 30, 2015 BUT I CANNOT COMEBACK TO WORK BECAUSE I ALREADY DISCHARGE ON JUNE 19, 2015 MY KEYS WAS TAKING AWAY FROM MY POSSESSION BECAUSE I REFUSE THE INVESTIGATION. BUT I REFUSE THE INVESTIGATION BECAUSE I WAS FALSELY ACCUSED OF BREACH COMPANY POLICY "SOLICITATION" ON MY INTERNAL COMPLAINT ON FEBRUARY 28, 2024 INCIDENT WHEN THE RESPONDENT FAILED TO RESPOND TO ADDRESS HOSTILITY WORKING ENVIRONMENT COMPLAINT AND KEEP ADDRESSING I WAS BREACH COMPANY POLICY SOLICITATION BECAUSE I FILLED THE HOSTILITY INTERNAL COMPLAINT.I CANNOT COMEBACK BECAUSE NO ACCESS TO MY KEYS BECAUSE I REFUSE THE INVESTIGATION BECAUSE THE DISCRIMINATORY INTERNAL HOSTILITY WORKING ENVIRONMENT INVESTIGATION NOT CONDUCTED IN A GOOD FAITH BECAUSE OF MY PROTECTED ACTIVITY.JUNE 30, 20 LETTER SAID MY EMPLOYMENT TERMINATED DUE TO THE COWORKERS DON'T FELL COMFORTABLE FOR ME TO WORK THERE AND I AM NOT ELIGIBLE FOR PENSION AND REHIRED TO ANY STARWOOD FAMILY CORP.THIS LETTER INDICATED THAT THE STARWOOD SHOULD LIABLE FOR IGNORING MY HOSTILITY WORKING ENVIRONMENT COMPLAINT.</p>	<p>TERMINATION LETTER SENT ON APRIL 12, 2022 STATED MY EMPLOYMENT TERMINATED DUE TO I DID NOT PASS THE PROBATIONARY PERIOD BUT THE RESPONDENT DENIED THE RELIGIOUS DISCHARGE POSITION STATEMENT MENTIONED I WAS TERMINATED BECAUSE I DID NOT COMEBACK TO WORK BUT THE FACTS I WAS DISCHARGE FIRST GIVE MY BULLETPROFF VEST BECAUSE I WAS TOLD TO CHOOSE "GOD OR JOB(SEE EXHBIT L-3)</p>
<p>I AM NOT QUALIFIED FOR UNEMPLOYMENT BENEFIT BECAUSE I QUIT THE JOB AS PER STARWOOD STATEMENT TO LABOR BOARD BUT I DID NOT QUIT MY KEYS WAS TAKING AWAY WITHOUT MY CONSENT ON JUNE 19,</p>	<p>QUALIFIED FOR UNEMPLOYMENT BENEFIT BECAUSE I KEPT THE EMAIL APPROVED OF CONSTRUCTIVE DISCHARGE because the respondent at NYC HEALTH+HOSPITALS HAS DENIED OF MY DISCHARGE FROM BUT THE</p>

<p>2015, I CANNOT COMEBACK UNTIL I CONDUCTED THE INVESTIGATION WITH THE RESPONDENT BUT I REFUSE THE INVESTIGATION BECAUSE I AM AFRAID OF I WAS FALSELY ACCUSED as per MY INTERNAL HOSTILITY WORKING ENVIRONMENT COMPLAINT IN MARCH 2014 INCIDENT ON FEBRUARY 28, 2014 THE RESPONDENT ACCUSE ME OF "SOLICITATION" POLICY AND denied of MY HOSTILITY WORKING ENVIRONMENT complaint and DID NOT ADDRESS MY INTERNAL HOSTILITY COMPLAINT PROPERLY AND MADE THE COWORKERS STAND TOGETHER WITH DEFENDANTS TO DISCHARGE ME BECAUSE I SUE ERNEST SEMEXANT, TATYANA GRITT, VINCENT JERPAHNION BECAUSE THE TERMS & CONDITION OF MY WORKING ASSIGNMENT BASE ON COWORKER FAVORITISM(June 13, 2013) working assignment when tatyana Gritt said to me Dragana Sfera has prevented me to work according to my seniority and Tatyana Gritt let the coworkers to determine my working condition and run the offices and reduce my paychecks such as unpaid overtime and vacation due to coworkers disagreement when I already performed over time and the coworkers argue I should paid for regular wages.</p>	<p>EMAIL WAS DELETED BY RESPONDENT BUT I GOT THE COPY BECAUSE I PRINTED THE EMAIL ON APRIL 11, 2022 WHEN I HAVE TO APPLY UNEMPLOYMENT BENEFIT AND I SUBMITTED THE CONSTRUCTIVE DISCHARGE EMAIL. NEED TO SUBMIT</p>
<p>MY NEGATIVE WORKING PERFORMANCE INDICATED I REFUSE UNION DELEGATE</p>	<p>(SEE EXHIBIT A-1)MY NEGATIVE WORKING PERFORMANCE AT NYC HEALTH+HOSPITALS SGT DESANTES ALREADY ASSUMED THAT I REFUSE UNION DELEGATED WHICH RELATED TO MY 2016 SDNY CASE WITH STARWOOD WORLDWIDE WHEN I REFUSED UNION DELEGATE AS WELL</p>

NYC Health+Hospitals study my case SDNY 2016 very well when Sgt Rodriguez asked me to filled out the vacation forms was related to 2016 case because in 2015 SDNY complaint my vacation was denied too in starwood worldwide due to coworkers stated that my vacation is

cost the undue hardship to the department. My vacation approved by management but denied due to coworkers complaining my vacation should not be paid which cause adverse when 3 weeks unpaid vacation cause the undue hardship to the housekeeping department and I did not getting paid for 3 weeks vacation because of hostility working environment.

Officer Chapagain at NYC Health+ Hospitals, He came up to me asked me if I will not accused him for knocking on the door while I was sleep over at NYC Health+Hospitals. That is the strange question ever. I believed this question is the respondent precaution of I will filled the sexual harassment as my complaint in Starwood Worldwide.

I received the negative working performance too but in Starwood I don't have the police memo book to proved that I am not bad employee but Judge Furman take the respondent response that the negative working performance is the part of supervisor duty to maintain the working environment.

But I believed the negative working performance in 2008 was created by Mariora Sfera (Yugoslavian) because of Race discrimination in 2008 against me because Dragica Motovic (Yugoslavian) was on call position in 2008 and I have full time position at Starwood worldwide at the time and by terminated me from the job her people (Dragica Motovic), Yugoslavian will get full time job but at the time I cannot express my actual race as Indonesian because Mariora Sfera introduced me as filiphino in my working environment and I believed by express I am Indonesian will made me lose my job. That's why my case was so weak because I cannot express my actual race when I filled for race DHR complaint in 2008 as Indonesian.

RELIGIOUS DISCRIMINATION (SEE EXHIBIT L-3) On 04/09/2022 I was discharged because of my religious belief. I have to walked out the post because nobody relief me to pray. From prior incident on 04/07/2022 when Detective king comeback from my internal religious discrimination allegation, Central Command officer Wood said the department not willing to accommodated early prayer time anymore and he transferred the call to Sgt Rosado and Sgt Rosado stated on the phone that Sgt Rodriguez will set me up to pray late at 0513 am (See Exhibit N-2). I told them I can't be relief at that time because I need to pray on time. I was told by Sgt Rosado that the department not willing to provide early prayer time anymore and if I walked the post I will be write-up for misconduct for leaving the post. I almost walked the post that day and Detective King came to relieved to pray at 0500 am. The department did not say she was coming. I almost walked out the post that day.

See Exhibit F, paragraph 9 On 04/07/2022 I sent email to CEO operation and hospital administration that I need permission to walked out the post if nobody relief me to pray. I did not received no reply from the CEO operation and hospital administration. I only received reply from captain Melendez that I was accommodated at 0500 am by Detective King on 04/07/2022.

I was called out on 04/08/2022 because the tension I have in my department and I still waiting the reply from CEO operation and hospital administration how to overcome the situation in my department.

(See Exhibit L-3) On 04/09/2022 I came to work and ready for the worst and nobody relief me to pray and I walked out the post in order to pray by notified Central Command Officer Jones. While I was praying I was called on the radio by Officer Martinez and I was called and forced to report to the Hospital police headquarters at 8th floor. I went upstairs and I met Sgt Rodriguez at rollcall office. Sgt Rodriguez asked me "why you leave your post" and I told him "I have to pray" and He said "this job not for you, You must choose between God or a job". I told him I choose God first and I give him my ID, Sheild, Radio, Keys. He said he didn't fired me he just want to write me up for walking out the post but I have to leave at 5 am that day and he said "go home and think and comeback tomorrow if I will choose job first". I told Sgt Rodriguez that today and tomorrow are the same thing I will choose God first. He asked me if I was resigning and I told him "I don't know" and he said "you must resign". I went downstairs to my locker room to change my clothes and comeback upstairs and I gave my bulletproof vest to Officer Wood. I was discharged that day.

(See Exhibit L-3) On 04/10/2022 I sent email to CEO operation and Hospital administration about my employment discharged.

(See Exhibit L-4) approximately On 4/14/2022 or 04/15/2022 I received the letter in the mail that my employment had been terminated **Dated** ON 04/12/2022

I believed the respondent had discriminated based on my age. I am consider new officer but my age was older than other new officers(Officer Chapagain, Smith, McLaughlin, Gutierrez). New younger officer was treated better in terms and conditions of employment have the opportunity to grow. I did not received the same training as new younger officers. Detective King is senior officers who train new officers at midnight shift. She knew my age prior she was assigned to central command officer in the middle August 2021 during locker room conversation. At the time I didn't see any significant change in my department because she just regular officer

The condition in my department was drastically change when Detective King was assigned to Central Command to replace Officer Philips in October 2021. Since then she told me in order to pray I need permission from Supervisor on duty the night before and I must requested during roll call.

Captain Melendez was asked me to submit the covid card which contain my age and birthday to him **(See Exhibit I)** even though I already told him I already submit the covid card to OHS 6th floor. **I submit the card on September 24,2021.**

Since then I started receiving verbal harassment from supervisors, unfair working condition(See Exhibit T), negative working performance(See Exhibit Q), denied shift preference(Exhibit C-10), denied bathroom, write up in order to pray and bathroom accommodation.

AGE DISCRIMINATION

The "**But For**" of my age the respondent had giving more favorable working condition to the new younger officer(Officer Smith, Chapagain, McLaughlin, Gutierrez) who were graduated from HP police academy on July 23, 2021(See Exhibit C-15) the same date as my graduation. I am assigned to Midnight shift on August 9, 2021 with Officer Smith and CHapagain (See Exhibit C-14) and Officer Gutierrez and Officer McLaughlin stay in the morning shift(See Exhibit C-14). I encountered with Detective King who I was told by field supervisors that Detective king, senior trainer will train the new officers at midnight shift. On the first day Detective king was very nice towards me until a few days later During Locker room conversation with Detective king I was reveal my age range when she said to me that she was 44 year old and have 4 grandkids and I said "me too" I am on that age range but I don't have kids. The next day she acting different towards me but I did not see any significant change on the HP operation because at the time she just regular officers but she did not trained me well I believed because of my age and many time I did not train properly by Detective king because she diminished the step on the post 8 training (See Exhibit C-19) @0315 when she skipped to trained me on the central command officer operation training(Must relief central ops for lunch and break) because when she relief the central command officer Detective King asked me to sit on ER and also I did not finish the training post 10 patrolling post training. The condition in HP department change when Detective King was assigned to replace Officer Philip and Detective King said I need permission from field supervisors and tour commander in order to pray and I must request the night before and must be request during rollcall in order to pray and since then the Department started put me on Post 4 main lobby most of the time and On the same time Captain Melendez asked me to submit the covid card which contain my age and birthday (See Exhibit I)since then Department put me on post 4 main lobby with struggle to pray and bathroom accommodation(See Exhibit D-5), "post abandonment write- ups by Captain Melendez because the struggling to be accommodated for bathroom and pray. The new younger officer (Smith, Chapagain) already assigned to patrolling post and Officer Smith was assigned to operate Central command officer and Officer Chapagain already granted to choose his preference shift in October 2021(See Exhibit C-12 and See Exhibit C-13) I did not assigned to patrolling post and followed-up with the training and assigned to patrolling post the next day to patrolling post because my patrolling post training was not done. Officer Chapagain and Officer Smith were receiving full training for some reason my training was differ that the other new younger officers.

My adverse "But for" cause by my age the respondent giving me negative poor performance (See Exhibit Q)(Discrepancies on the Negative Working Performance(See Exhibit L, Exhibit M, Exhibit N, Exhibit O, Exhibit P)

- Captain Melendez request to submit my covid card which contain my age and birthday to to him and as per respondent position statement stated that I do not need to submit my covid card to Captain Melendez but Captain Melendez asked to submit the card to him (**See Exhibit I**)
- Captain Melendez Refuse to give me my desire shift On October 2021(Morning Shift) "**But For**" my age and giving the morning shift to new younger female officer (22yrs old, Officer Sultana)In December 10,2021(**See Exhibit C-10**), when the morning shift on October 2021 have shortage officers(**See Exhibit S-9**), Captain Melendez said to me in October 2021 that he cannot put me in the morning shift because he has enough female officers to work in the morning but the facts the department do have shortage officers in October 2021(**See Exhibit S-9**) when I was mandated it to work in the morning in many occasions in October- November 2021 from 11:30 pm—0400 pm but from the facts my request to work in the morning was denied "but for" my age and the department had mandated me to work overtime in to cover the shortage officers in October 2021(**See Exhibit S-9**), mandate overtime proof the department need officers to work on morning shift but request denied "**But For**" my age and Captain Melendez give my shift preference new younger female officer 22 yrs old, Officer Sultana to work in the morning shift in December 10, 2021(**See Exhibit C-10**), recent graduate officer December 10, 2021.
- Officer Chapagain move to preference shift in October 2021 and assigned to patrolling post and rotating post assignment(**See Exhibit C-12 & See Exhibit C-13**)
- Officer Smith assigned to Central Command officer training in October 2021 and rotating post assignment(**See Exhibit C-13**)
- Officer Gutierrez New younger Officer who graduated with me was promoted to ER FLEX Officer(**Exhibit C-11, Exhibit C-17**)
- I was excluded to be part of Hospital Police Team as per EEOC position statement stated "Her lack assistance during emergency call will result injury to herself or staff members".
- Discrepancies on my negative working performance(**See Exhibit Q, Page 2-4 Or , See Exhibit L**)& RESPONDENT POSITION STATEMENT
 - Discrepancies on my write-ups(**See Exhibit K**) and(**Exhibit C-13**), I was off on **September 12, 2021**
 - False accusation of negative performance when I lost my police jacket during undue hardship but the department stated that I lose my jacket when I was doing my patrol and I was refuse to see the surveillance camera footage but Officer Robinson allowed to see the camera(**See Exhibit A-1**)
 - My negative working performance stated I was fail on some work performance on patrolling post duties but I did not assigned to the patrolling post on these dates but

according to my police memo books I did not assigned to patrolling post on these dates(**See Exhibit M, EXHIBIT N, EXHIBIT O, EXHIBIT P**) My police memo books indicate that I work on Post 4 and post 2B on these dates not assigned to any patrolling post

- (SEE EXHIBIT S-7)As Per respondent position statement I was assigned to post 4 Main lobby because I am new officer but I am not new officer in the department(**See Exhibit C-15, My graduation Date, July 23,2021**) and **See Exhibit C-10, New Younger who recently Graduated, December 10, 2021 Lower Seniority than me**) was assigned to my desired shift (Morning Shift, should be assigned on midnight shift post 4 main lobby)
- Put me on the Graveyard shifts and give morning to new younger Officer, 22yrs old Officer Sultana to work on my preference shift
- My training was differ with the new younger officers(My training was pause and Sgt Rodriguez and Detective king assigned me to post 4 main lobby which giving me the difficult accommodation for bathroom and to pray and my training in patrolling post was pause (did not finish) and the younger new officers(Chapagain) already given the opportunity to choose their preference shifts In October 2021(**See Exhibit C-12 AND Exhibit C-13**) , Rotating Job assignment in Patrolling post
- I never have rotating job assignment to work at patrolling post(**See Exhibit T**), Indicated never assigned to work on patrolling post
- Put me permanently in restricted post 4 main lobby with struggle accommodation for pray and bathroom accommodation which supposed to assigned to new recent HP police Graduate(**See Exhibit C-10**) "But for""My age" is the adverse in the department
- Accusing poor performance of not checking the Employee ID from Sgt Desantes statement On respondent position statement(**See Exhibit T**), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID on my police memo book(**See Exhibit T**, Page 66 @1541 and Page 131-132 @0332 am).
- Respondent Position statement stated on (**See Exhibit M-65**), page 25 of 26 indicated the "Section 9"Captain Melendez log-in &Angela Login were erase and only Sgt Rosado login Compare with (**See Exhibit M-66**) "Section 9", Page 23 of 25 which indicated the file was created by Captain Melendez desk in October 2021 after I sent my covid card to Captain Melendez on September 24 2021(**See Exhibit I**) the filed was indicated created during day time by captain melendez and Angella Mullett and Sgt Rosado work at midnight

• M-65(POSITION STATEMENT

• M-66(ORIGINAL STATEMENT)

<ul style="list-style-type: none"> • SECTION 9 (PAGE 25 OF 26) CAPTAIN MELENDEZ & ANGELA MULLETT LOGIN ERASE, ONLY SGT ROSADO LOG-IN 	<ul style="list-style-type: none"> • SECTION 9(PAGE 23 OF 25)INDICATED THE CAPTAIN MELENDEZ LOG-IN &ANGELA MULLETT LOG-IN & Sgt Rosado invalid Log-in because Sgt Rosado work at midnight shift •
<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION (PAGE 2-22) ADDED "LAST MODIFIED"by SGT ROSADO LOG-IN & different time 	<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION LOG-IN WITHOUT SGT ROSADO LOG-IN THE SYSTEM INDICATED "CREATED BY PROFILE"(SEE PAGE 2-22) & FIXED DATED & TIME

My rights as woman violated when I was told Dr. Wilby that I have to hold pregnancy within 3 months in order to be hired at NYC Health+Hospitals because I must take 2 MMR vaccine in order to be hired. I was told to sign the letter of consent of the vaccine will harm the baby. I told Dr. Wilby that I had intention to be pregnant. Also I told Dr Willby that I already took MMR vaccine during admission to college. Dr. Willby said I must take 2 MMR vaccine in order to be hired and she said take the MMR vaccine now and comeback with another paperwork from the college. Dr. Willby did not accommodate my intention in order to be pregnant under my free will. Dr. Willby said if I did not to take the MMR vaccine I will not get the job. In this case I believed my intention to be pregnant is the contingency of the employment in order to be hired. Dr Willby still insisted to take the MMR vaccine or I will not getting the job. I was force to take the MMR vaccine in order to get the job and On June 19th 2021 I was pregnant with no heartbeat(See **Exhibit N-3**).But I found out See **Exhibit A-3** indicated that the MMR vaccine can be hold until March 2022 why Dr. Willby did not let me to waive the MMR vaccine in order to accommodate my intention to be pregnant in the first place in March 22, 2021 because I told Willby that I already have one MMR vaccine from Baruch college(See **Exhibit C-6**).**Exhibit B-1 ,Exhibit C-1, C-2,C-3,C-4,C-5**)indicated of the MMR vaccine did not mandated for every new hired (Mahmuda Hospital Care Investigator List :586, said she was not required to take the MMR vaccine in order to pass the terms and conditions of employment in order to be hired for Hospital Care Investigator List #586. My rights as woman violated when I was told to tightened my belt during Hospital Police Academy after I was submitted the doctor note for June 25, 2021 of my gyn visit which had picture of the pregnant woman holding the belly on the heading note and The clinics name: Health Care For Woman OB Gyn. On June 30, 2021(See **Exhibit N-5**) Captain Padilla told me **"IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"** meaning I will dismiss from the Police Academy. Going upstairs meaning doing paperwork of my dismissal from employment. Captain Padilla instructed Detective Santa Lay to tightened my belt against my will. She took me to the

bathroom and she tightened my belt against my will. Definitely I would never put my belt like that because of the baby. I was feeling congested on my belly and squeeze on my baby. When I went back to the classroom I can't breath especially when I was sitting it was squeeze my fetus more. The respondent stated on position statement that Tighten the belt is the part Dress Code Policy after I submitted the doctors note which contain the picture of the pregnant lady holding belly on the heading note on the left heading and Have the letter heading stated "Health Care for Women OB GYN". I believed tightened the belt for woman is illegal because woman might be pregnant or bearing a child. But I was the only one was subjected to tightened my belt alone. Captain Padilla instructed all the Hospital Police candidate in my squad "every one go back to classroom except Recruit Febrianti" and I was told by Captain Padila "IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS". Also, the other ladies were having big belly such as Officer Minor, and Officer Roberson but I am the only one who subjected to tightened my belt against my will by myself. I strongly believed Captain Padilla knew I was pregnant because of the doctors note I was given to them and have a picture of pregnant woman touching belly and the name of Clinics "Health Care for Women OB GYN". On the same day at 5 pm I started having vaginal bleeding and I was stay in ER for 14 hours and I was diagnose in my discharge paper as miscarriage.

Protected activity of my dismissed case 2016

My midnight shift started at 11:30 am to 0800 am at NYC Health+Hospitals

Sgt Rodriguez told me on April 9, 2022 approximately around 1230 am to 1 45 am that my vacation was approved which Sgt Rodriguez said the second pick date of vacation was approved(see Exhibit B-4 and Exhibit B-5), this incident related to my protected activity of my allegation on my dismissed, defective case in 2016 which related I was not given the vacation by former employer.

Sgt Rodriguez asked me to filled out my vacation form which I was requested to be filled out on April 6, 2022 approximately at 11:45 am and I was submitted back the form on April 7, 2022 approximately at 3:00 am- 4:00 am by submitting the form back to Sgt Desantes when he was passing my post at post 4 Main Lobby.

Sgt Desantes put notation and assuming that I was refusing union delegates which represented my protected activity of my defective case in 2016 which I was refuse union delegates because my racist union delegated comments. See Exhibit A-1 when the write-ups paper indicated that "refuse union delegate" which represent my protected activity of my defective case in 2016 when I was refuse union delegate but I did not refused union delegated on that day but Sgt Desantes assumed that I refused union delegated was represent my protected activity of my defective case in 2016.

Officer Chapagain statement on April 9, 2022 approximately on 1230 am to 1:45 am He told me He was instructed By Sgt Rodriguez to relief me in order for me to go upstairs to Hospital Police Headquarters. Officer Chapagain said he heard from the department that I wanted to sue the

defendant(NYC Health+Hospitals) and he need to know which organization(**see Exhibit G**) this incident related to the incident when Captain Melendez he ignored my complaint against Detective King and I told him "NLRB" need statement in writing but I did not report to any organization I just want he did not ignored my complaint and do not take my religious internal complaint slightly because My prayer is my everything and I have to pray on time.

In 2021 Jennifer the lady who work as covid screening at the main lobby and later she was promoted to work at HR who close to Detective King and Sgt Blount called me "trouble maker". Which this statement is my protected activity slander statement from my coworker on my previous case in 2016 when "trouble maker" represents my protected activity of my filling race discrimination in 2008 by my previous coworkers in 2016. The hostility working environment cause their white supervisor, Mariora Sfera was removed from W union Square to W Hoboken since then I was facing hostility working environment from white and non white and cause me constructive discharge on June 19, 2015 the respondent and coworkers were stand together to discharge me without probable cause.

Sgt Rosado asked me if my foot was okay and he said if I have problem with my foot should report it. This question was related to my protected activity of my previous constructive discharge which I disclosed during psychological interview (See Exhibit R) at NYC Health+ Hospital after I was discharge because of my ADA(Bunion Foot) which I cannot wear high heel shoes as per the doctors note stated but I was discharge from the employment because the company said high heel shoes is the part of company policy and I received unemployment from Department of Labor because considered constructive discharge. I received all unemployment benefit even I received unemployment benefit from NYC Health+Hospitals too but My defective in 2016 against Starwood Worldwide , my employment with Starwood Worldwide, I told the investigator that I am not sure if get terminated or quit the job because the starwood worldwide report me to labor department that I quit the job and that's why I am not eligible to received unemployment but I did not quit I was force to leave the job.

Discrepancies of Respondent position Statement Document

Respondent on Position statement said Second negative working performance evaluation without signature but the paper was blank signature too without signature of Sgt Rosado or Captain Laboy or any the higher position at Hospital Police meaning the respondent never gave this paper to me because if they do give it to me , Sgt Rosado or Captain Laboy signature should be in there and I never refuse to sign (**See Exhibit A-1**) when the paper indicated "Refuse Union Delegate".

Joint Letter Discussion

Religious Discrimination

As per Respondent position statement said I was abandoned my post at 0445 am but the facts I leave my post at 0458 am without undue hardship of the employer when on the day I was discharge. (See Exhibit L-3), See Exhibit

Discrimination Base on Woman

See Exhibit A-3, See Exhibit X As per Respondent on position statement said that I need 2 MMR Vaccine to be hired but I realize the second MMR vaccine can be hold until March 2022. At the time me and my x husband so eagerly to have intentions to be pregnant and have the baby . I asked accommodation to be pregnant during pre-physical employment examination and my request was denied by Dr. Willby and she said I cannot get pregnant within 3 months in order to get this job because I have to take the MMR vaccine if I did not take the vaccine I cannot get a job. I was beg to let me to be pregnant because I already took one MMR vaccine from the school and I was force to sign that if I pregnant I have to consent that my baby will be harm if I am pregnant. My request to be pregnant was denied which according to Exhibit X that indicated pregnancy become the contingent of employment in order to be hired because Dr. Willby said if I did not take the MMR vaccine I will not getting the job and I believed my rights as woman had been violated.

Age Discrimination

As Per position statement said that I did not check ID in daily basis. This statement not true at all because I am very stern about checking employee ID. See my police memo book indicated that I wrote down the person who refused to show her or his ID. This statement indicates that I did check Employee ID. If I am really did not check ID the defendant did not have to wait until I get constructive discharge first(April 9, 2022) to fired me and send the termination letter in mail on April 12,2022 Because the officer who did not check ID is have probable cause to get terminated on the spot not waiting until I get constructive discharge to fired me.

Accusing poor performance of not checking the Employee ID from Sgt Desantes statement On respondent position statement(**See Exhibit T**), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID on my police memo book(**See Exhibit T**, Page 66 @1541 and Page 131-132 @0332 am).

- C. Prospect of Settlement
No mutual Agreement on the settlement from both parties

We would like to thank the court for its attention in this matter.

Respectfully submitted,



Erica Febranti

Rodalton J Poole

DEAR JUDGE ROCHON,

Regardless how many extensions You gave to respondent will not change the outcome of Negative working Performance "But For" my age Because according to THE STATE OF New York

- I was qualified For the job (see EXHIBIT A TACTICAL BATON CERTIFICATION)

- Discrepancies on all Negative working Performance (SEE EXHIBIT G) "But For" OFFICER DAYON Her transition to retired-

- MOST OF Position Statement was false statement when Position Statement mentioned that I leave my Post at 04:45 am but The facts I leave my Post at 04:58 am (SEE EXHIBIT Position statement) (SEE EXHIBIT L-3, L-5)

- when Position Statement said that on Page 5, Paragraph 1 False statement = I place my shield, identification card and keys on Melendez desk

The truth statement = This room is not Captain Melendez's room this room is roll call briefing room and Captain Melendez was not there during my Constructive discharge

Position Statement Page 5.
False Statement = CHARGING LEFT MELendez's office But returned to give RODRIGUEZ her Bulletproof Vest

TRUTH STATEMENT = I went Downstairs to change my clothes because bulletproof Vest I was wearing it when I went to my locker room and change I went back upstairs But I got no key for the door because I already gave the keys to Rodriguez. I Called Central and OFFICER Wood Came to the Door. To take my Bulletproof Vest + Police memo books on that recent months (February - march - April 2022)

False Statement: ON April 11, 2022 Charging Party appeared at Metropolitan and cleared Her Personal Property From Her locker, No resignation letter was received from Charging Party But she did not return to work after that day on April 11, 2022

The truth statement: SEE EXHIBIT L-3 When this letter acknowledgment of ~~the~~ ^{TO} highest level of

at NYC Health + Hospitals my constructive discharge

Position: CEO operation: JENNIFER Figueroa

Director of operation: John MuniZ

Respondent position statement MODIFY MY Negative working Performance which I received ON Nov 19, 2021 "But For" I am able to retrieve my copy of Negative working Performance on April 11, 2022 when I realize my negative working Performance was erase after I was Constructive discharge.

From NYCHHC employee file

2021

In order to prove my discharge was related to my age I have to go to retrieve my Negative working Performance File which I am able to retrieve it From my Locker ON April 11, 2022 because my negative working Performance was not longer at Employee file.

NYCHHC

"But For" The respondent aware that I am able to retrieve my copy of Negative working Performance File The respondent added "Second evaluation" file with modification of SGT Rosado login "But For"

My original Negative Working Performance which I was received indicated that THE FILE WAS CREATED Captain Melendez (SEE EXHIBIT Audit History)

which MY first Negative Working Performance SEE EXHIBIT Q [Page 13-32] indicated that

Negative Working Performance created by NOW Supervi SOT ("Profile") ("Created by template")

Also, SGT Rosado never did observation with me except DETECTIVE King came to me

and she said she able to put Negative Performance on my file when she said "it will be on your file" On the same time frame

I GOT THE CLUE FROM one lady regarding OFFICER, DAY when the lady said: (SEE EXHIBIT EEOC Pages 5-4)

There's another lady who used to work at Post 4 main lobby she is old and called sick a lots and the department can't wait for her to retired

THIS IS THE REASON I believed. DETECTIVE King treated differently with the other New Younger officers and train me differently than new Younger officer because of my age when I saw officer DAY, E in person when she said she will be retired soon and according to the lady's statement THE HOSPITAL Police Department can't wait for HER TO RETIRED was FROM DETECTIVE

King STATEMENT Because the lady who gave me THE STATEMENT she worked at Main Building

and I am not sure which floor but she came downstairs during her break prior she went outside which ~~according~~ according to her she like to go outside to get fresh air and she told me about the other lad who used to work at Post 4 main lobby that she was old and called sick a lots and Department Can't wait for her to Retired.

I Believe she heard this statement From DETECTIVE King because at midnight all office was close, except 4th floor

labor delivery and DETECTIVE King used to work at patrolling, TO public Post in which From my acknowledgement she know every body at the floor (Employee) and she chit chatting alot with the employee at the floor because at midnigh shift always nothing to do so DETECTIVE King one time while she trained me at Post 8 we stop at 2nd floor at every department ~~the~~ DETECTIVE King know everybody and chit chatting. ^{DEFINITE} ~~DEFINITE~~, The officer DAY discussion was mentioned by DETECTIVE King because SGT RODRIGUEZ, SGT ROSADO, SGT DESANTES always stay in the office and did not discussed about this and that to another employee at NYC Health + Hospitals.

I realize I got the clue that DETECTIVE King was treated differently because I disclose my age as older new female officer which leading to refuse bathroom accommodation, Prayer accommodation, ^{discrepancies} negative work performance leading to my Constructive discharge On 04/09/22.

(5)

SUMMARY JUDGEMENT
FEBRIANTI V NYC HEALTH+HOSPITALS 23CV06175JLR

Supreme Court Cases on Religious Freedom

Religious Discrimination

According to supreme court law about religious freedom is Employer must accommodate the religious accommodation to Employee except the undue hardship must cost the "Substantial cost" to Employer.

Did you admit there is no material dispute on this statement that:

Supreme Court cases Religious freedom

Groff v. DeJoy, 35 F. 4th 162, 166 (3d Cir. 2022). The case postal service **Groff v postal worker** is different case with my situation because in my situation there's no undue hardship at all but the disparate treatment because on April 7, 2022 the Hospital Police Department verbally mentioned to me they were not willing to accommodate my accommodation to pray on time anymore. Sgt Rosado said to me over the phone and he said "Sorry no more early prayer time for you anymore, Officer Wood said to me if I walked the post I get write-ups I will be relief late to pray from now-on. (See Exhibit A) This statement contradiction with my first internal religious complaint through email to Captain Melendez that I need to pray on time and I need to be relief before the prayer time so I can have enough time for ablution, bathroom relief and enough time to travel 12th floor mosque in order to pray on time. I provide the verse from the Qur'an that I must pray on time.

(See Exhibit L-5) Did you admit there is no material dispute on this statement that the false statement at position statement indicated that On April 9, 2022 I was calling central at 0445, am because I did not calling at 4:45 am on April 9, 2022 because on April 7, 2022 the department already make stern statement that no more early prayer time for you anymore and from now-on I will be relief late to pray if I walked out the post I will get

write-ups and I leave my post at 0458 am at April 9, 2022 without undue hardship of the employer :on Page 4, Paragraph 4, Line 1-4, Stated: *Position statement :*

Melendez said that on April 9, 2022 at 4:33 AM there was a panic alarm requiring response from multiple Hospital Police officers. Melendez was informed that Charging Party abandoned her post, post 4 in the main lobby, after calling central at 4:45 AM seeking relief to pray. Charging Party's scheduled prayer relief time was 5:09 AM

Constructive Discharge: On April 09, 2022(See Exhibit L-3)

(See Exhibit N-2) On April 7, 2022, Officer Wood(Central Command officer) said to me over the phone that Sgt Rodriguez told him to relieve me late to pray at 0513 am. He transfer the call to Sgt Rosado(Field Supervisor) and Sgt Rosado said to me over the phone "Sorry No more earlier prayer

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time for you, Sgt Rodriguez instructed all the central command officers and Field supervisors to relief me late to pray from now-on".

April 8, 2022(waiting email from the hospital administration to the situation to response) no reply.

April 9, 2022 come to work ready for the worst (nobody me to pray and I walked out the post and asked by Sgt Rodriguez that I need to choose between God or a Job) in order to work there I choose "God first" I give my police Equipment such as Keys, ID, Radio, Etc

See Exhibit L-3, April 10, 2022 Notification of my constructive discharge to CEO Operation(Michelle Figueora) & Director of Operation (John Muniz). This 2 people is the highest person who run the hospital who were above my captain, Sergeant and Lieutenant in Hospital Police department. On the email I asked if my prayer time conflict with HP police operation.

See Exhibit L-4 Termination letter indicated "please be advised you have not satisfactorily completed your probationary period, therefore your service as special officer in the HP department NYC health+Hospitals are hereby terminated effective close to business today, April 12, 2022

Did you admit that there is no material dispute that (See Exhibit L-3)There was no undue hardship on 04/09/2022 while I was praying on my religious

discrimination case because Officer Martinez called me on the radio from central command phone approximated at 0509 am while I was praying and I spoke to officer Jones at 0458 am from central command phone to notified her that I will leave my post in order to pray because nobody relieve me to pray.(See Exhibit L-5).

Did you admit that there is no material dispute that I leave my post at 0458 am on 04/09/2022 and The department had 5 unnecessary officers on 04/09/2022 between approximately 0500-0530 am included Sgt Rodriguez at central command station HP Headquarters(officer wood, officer Jones, officer Martinez, Detective king)which they supposed to relieve me to pray instead of chitchat doing nothing. One of them supposed to relieve me to pray. One more time I would like to tell the court and wallahu al azheem there was no undue hardship. Allah is my witness. My post save and clear. I was confused when the respondent said undue hardship to the employer.

I heard their voice of many officers at central command when Sgt Rodriguez opened the central command

door when he sees me on the camera when I arrived from 12th floor from the mosque after the radio distracted me during my prayer asked me to report to roll call office at 8th floor Hospital Police Headquarters.

Did you admit that there is no material dispute WHEN There was no undue hardship but the department was busy to discharged me. Approximately At 0509 I heard the radio to 10-2 meaning report to misconduct of praying. Approximately At 0515 talking to Sgt

Rodriguez that I was asked to choose God or a job in order to work there(See Exhibit L-3) Approximately At 0525 officer jones called me in the locker from central command that they needed

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the hat badge too. Approximately At 0530 I give my bulletproof, police memo book, my badges to officer Wood. So definitely the officers & Hospital Police department was busy to discharged me. Detective king was not say much because she was there at central command office when the department was there for her and prepare for my discharge because of my Internal religious complaint against her.

On 04/09/2022 we have additional officers that night because we have post 7 (See Exhibit C-19) stated that on this exhibit that post 7 assigned only if we have more officers and post 2b was assigned to officer chapagain. Post 2B supposed to work on ER only not moving officer or responding the call outside ER but that night post 2B was assigned to somewhere else. Post 2B supposed to relieve me to pray. But nobody relieved me to pray But my post safe and clear and once again I would like to tell the court that I leave my post at 0458 am (See Exhibit L-3, See Exhibit L-5). As per original EEOC complaint submission at April 13, 2022 I told EEOC that I leave my post at 0458 am when nobody relieved to pray(See Exhibit Exhibit L-5).

Did you aware there is no material dispute On respondent position statement said according to Captain Melendez said that I leave my post at 0445 am. This statement was false statement he wasn't there he worked in the morning shift. (See Exhibit S-5 position statement file page, section II, Paragraph 2).

I wanted to tell the court I leave my post at 0458 am and I did not given the accommodation to pray and pre-dawn meal accommodation for Ramadan. My prayer time at 0509 am and I need 10 minutes for bathroom relieve and ablutions and I was not given pre dawn meal(suhur) to eat.I was requested to pray accomodation needed to eat in order to fast for 14 hours for Ramadan in my email to hospital administration(See Exhibit F and Exhibit N-2) but no reply I was discharge instead.

Did you admit there is no material dispute thaMy intention to be pregnant is the contingency of the employment in order to be hired in NYC Health+Hospitals. I was told by DR. Willby that I can't get pregnant within 3 month in order to be hired and I was required to sign the consent that the MMR will harm the fetus or baby if I am pregnant. Dr Willby did not accommodated my intention to be pregnant or asked me to sign the paper to waive the requirement of the MMR vaccine. I told her that I have intention to be pregnant but my request was denied. She still insisted to take the MMR vaccine or I will not getting the job. I was asked to sign the paper of consent that MMR vaccine will harm the fetus or baby if I am pregnant.

(8)

(See Exhibit A-3) In March 2022 I was told by Captain Laboy to go to OHS 6th floor (Employee Health) and when I went to OHS 6th floor Dr. Wilby said she wanted to give me the second MMR vaccine and she said I should come back last year in June 2021 to take the second MMR vaccine but I did not come but I already provide her the documentation from Baruch College that I already took the MMR vaccine but DR. Wilby said she need the lab report.

DID you admit that there is no material dispute that (See Exhibit A3) My question was if second MMR vaccine can be hold until March 2022 why DR. Wilby did not let me to waive the vaccine in order to be pregnant at first place in March 22 2021 because I told Dr. Wilby that I already have one MMR vaccine on my admission to Baruch College (See Exhibit C-6) and she did not let me to provide the paperwork of MMR vaccine from Baruch College to waive the requirement to accommodate my intention to be pregnant in March 22 or March 28, 2021 and DR Wilby still insisted to take the MMR Vaccine as requirement in order to be hired.

I told the nurse Beverly who give me the MMR vaccine injection that I am planning to get pregnant and I already took the MMR vaccine from the admissions to Baruch College and she put down the needle and go back speak to Dr. Wilby and Nurse Beverly notified Dr Wilby that I already took the MMR vaccine from Baruch College and Dr Willby tell the nurse Beverly about me that "She don't understand she need 2 MMR vaccine in order to be hired" and Dr. Wilby said to take the MMR vaccine now and comeback with the MMR documentation from Baruch College.

Did you admit that On the paper at (See Exhibit A3) is the proof of my second MMR vaccine can be hold until March 2022. On the paper stated that "EXAM TYPE: Pre Employment, Updated" on March 7, 2022

I have the text message on March 4, 2022 and Mahmuda Hospital Care Investigator List#586 said she didn't mandated to take the MMR vaccine in order to be clear for medical clearance on March 4, 2022 for the Hospital Care Investigation position at NYC Health+Hospitals. See Exhibit B1

I think she told me verbally she was asked for draw the blood only for her medical clearance requirement.

In addition On march 4, 2022 at OHS 6th floor she show me her Exhibit S of her Hospital Care Investigator List :586 with her name, her address and her list number and the address to go for background interview with the time and the date of appointment written on the paper. The paper similar with my special officer job offer which I was received on November 2020 (Exhibit S).

I met Dr. Wilby twice. The first one I met her on March 04, 2022 and she told me to clear my medical clearance from last year and she told me I supposed to comeback for 2nd MMR vaccine in June 2021 but I didn't comeback for the vaccine. I realize I was accidently pregnant on June 2021 . I did not hear

(9)

anything from her until I was told by Captain Laboy to go to OHS 6th floor to Dr Wilby office in March 2022.

Dr Wilby instructed me take the second MMR vaccine again on March 04, 2022 for medical clearance but I refuse and I told her I can't take another MMR vaccine because I already took it from school. I was told I will relief from duty if I didn't take it. I told her I will get the copy from MMR vaccine from my school at Baruch College. She told me I must get lab report from my school. I went to Baruch College admission and they said they only able to give this paper only(See EXHIBIT C-6.). Baruch College give legitimate paperwork that I took the MMR vaccine and I remember I took the MMR vaccine at the school, See Exhibit C-6. Baruch College admission said the doctors can use the blood work to check if I was Immune to MMR vaccine and she said she don't know why my employer make it as big deal and need the lab report. it was not a big deal she said but I told her it's for employment or I will be relief from duty if I do not have lab report. I went to Baruch College on the same day Friday, March 4, 2022 to get my MMR vaccine paperwork. I was off on the weekend on March 5 (Friday night to Saturday morning) and March 6, 2022 (Saturday night to Sunday Morning). See Exhibit C-9.

On March 07, 2022 The second time I met Dr Wilby in order to submit my MMR vaccine paperwork without lab report from Baruch College. See Exhibit C-6 and she was accepted the paper and she said my medical was clear and she gave me the paper(Exhibit A3). She said she was just checking to my blood results that I was immune to MMR vaccine. She told me my next annual medical appointment will be on April 18, 2022.(See Exhibit A3)

Did you admit that there is no material disputed that SEE Exhibit Q(1-4), See Exhibit L, See Exhibit M, N, O, P)I can prove the court that my negative performance, denied shift preference and give my shift preference to younger new officer(See Exhibit C-10) or denied request working in the morning shift, did not received training properly as per younger new officer had , denied of rotating working assignment(See Exhibit T), refuse bathroom accommodation, harassment from supervisors during rollcall, refused me to be part of the team, refused to access the surveillance camera when my jacket was missing was prima facie of discrimination because of my age, accusation not checking employee ID(Exhibit A-1).

Did you admit that there is no material dispute that There are many discrepancies on my negative performance because my police memo book indicated that I was off on the day I was told by the Hospital department that I was "fail" to perform some job task(See Exhibit Q,1-4), See Exhibit K,M,N,O,P) and my supervisor evaluation section did not indicated the specific date or incident and the system indicated that the file was created by "profile" all of the date written as the same date:05/03/2021 at 12:03 am(See Exhibit M-66). The respondent give more opportunity to the new younger officer in terms and conditions of the employment.(See Exhibit C-14& Exhibit C-15)

(10)

Did you admit that The respondent refuse to hire due to retaliation of I was filling internal religious complaint(See Exhibit A,B,G,F,N-2,L-3) and my protected activity of filling the discrimination case in SDNY In 2015 when I asked the question during psychological interview for special officer interview(See Exhibit R) "Do you have any court proceeding" and I said yes I had discrimination case against my previous employer in 2016.

Did you admit that All DCAS procedure the respondent must send me the mail, email and phone notification about my Hospital Care Investigator List#601(SEE EXHIBIT L-2). I never received any notification in the mail or email or phone from the respondent.

Did you admit that (SEE EXHIBIT M-65)The respondent try to hide the facts that my write up was created by Captain Melendez see the original of my supervisor evaluation which I received on November 19, 2022(See Exhibit M-66) see section 9 on "supervisor evaluation file" stated that the file was created by Captain Melendez after I was submitted the covid vaccine card on September 24,2021(SEE EXHIBIT I), SEE EXHIBIT AUDIT HISTORY, the system said the file was created by Captain Melendez.

Did you admit that Compare to the respondent second evaluation at section 9(the file login log by Sgt Rosado & Captain Melendez login was erase). See my original supervisor evaluation the date sign by Sgt Rosado at Nov 2, 2022 but the evaluation was created by "profile"(See Exhibit Q, Page 12-36)but the file given to me on November 19, 2022 and the file was created by Captain Melendez desk according to Audit History of computer Login History

2021 2021

Did you admit there are no material dispute on this statements that:

First Religious Internal Complaint On February 25,2022(See Exhibit A)

Prior this incident on February 25, 2022(See Exhibit A) I requested the accommodation to be relief early before the prayer time in order to pray on time due to I needed to do ablution, bathroom relief and go to the mosque at 12th floor(See Exhibit A) and provide the verse from Qur'an that I have to pray on time.

Surah Al ma'un Verse 3-7 " Woe for those who pray, who abandoned the prayer after the fixed time".

Did you admit there is no material dispute on this statement that:

Second Religious Internal Complaint(March 27, 2022)(See Exhibit B)

(11)

My religious internal complaint against Detective King who refused the accommodation for me to pray and Captain Melendez told me verbally on March 28, 2022(See Exhibit G) that "the department will not willing to accommodate the early prayer all the time", and he said to me verbally some Muslims can pray until sunrise. It's haram(Forbidden) to pray during sunrise. There was no undue hardship on my second religious internal complaint because When Detective King transfer to Sgt Rosado and Sgt Rosado said why did not called the desk meaning no undue hardship and my post safe and clear(See Exhibit B).

My second religious complaint late replv after 24 hours period (Compare Exhibit B and Exhibit C) time frame between 36 hours difference)

EEOC v. Abercrombie & Fitch Stores, Inc., 575 U.S. 768 (2015): Samantha Elauf refused to hire due to "the look Policy" of her headscarf but the Abercrombie aware and acknowledge she wear it for her religious purposes.

(See Exhibit C-16)Same thing with my situation when the Special Officer policy that I must followed the instruction of HP operation that I am not supposed to leave the post and followed instruction of the above Position but Sgt Rodriguez aware I will be walking out the post in order to pray when during my discharge he asked me the questions " *Why you leave your post*" I replied " *I have to pray*" and Sgt Rodriguez said "this job is not for you", "you have to choose God or a job" I told Sgt Rodriguez I choose God first and I gave him my radio, keys, Shield, etc and there was no undue hardship on 04/09/2022 the department busy to discharge me between 0458 am -0530 am (See Exhibit L-3),(See Exhibit L-5)when 5 unnecessary officers at Central Command offices doing nothingduration 0458am - 0530 am (See Exhibit F, Paragraph 9) when I emphasize on my email to Hospital administration that:

Allah commands to pray come first and HP command not to abandoned the post come second

The verse in Qur'an when it's time to pray do not listen other instruction except Allah instruction to pray, Prophet of Allah said (See Exhibit Hadith) of the important of prayer on time .

Qur'an verse on Surah Al mu'minun (the Believer) Verse 34-40

And if you ever obey human like yourself you will be losers. Does he promise you that once you are dead and reduced to dust and bones, you will be brought forth 'alive'? Impossible, simply impossible is what you are promised! There is nothing beyond our worldly life. We die, others are born, and none will be resurrected. He is no more than a man who has fabricated a lie about Allah, and we will never believe in him."

Did you admit that there is no material dispute that:

Verbal Statement refusal of my prayer accommodation from Hospital Police Administration

"This job not for you" mentioned twice by Captain Melendez and Sgt Rodriguez but Captain Melendez mentioned it first on March 28, 2022 (See Exhibit G) when I confronted him and asked him if he

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received my internal complaints email (See Exhibit B) and he said yes but he said the department will not accommodate my prayer time all the time and he did mention about "*this job not for you*" and Captain Melendez said "*I know some Muslims can pray until sunrise*" which forbids in my religion to pray at sunrise.

"*This job not for you*" mentioned by Sgt Rodriguez during too my discharge on April 09, 2022 but Sgt Rodriguez added "*you have to choose God or A job*" and I said "*I choose Allah first*" I gave him my keys, my badge, Shield, Etc.

(See Exhibit L-3), (See Exhibit L-5) Prior this statement Sgt Rodriguez asked me which leading me to my constructive discharge "*why you leave your post*" I said "*I Have to pray*" and Sgt Rodriguez replied to me "*This job is not for you, 'you have to choose God or a job'.*" I told him I choose "*God First*". I gave him my Keys, ID. Sgt Rodriguez said he did not fired me he just wanted to write-me ups for walking out the post but I have to clock out at 5 am that day come back tomorrow if I will choose job first and I told Sgt Rodriguez that "*today and tomorrow are the same I will choose 'Allah first'*" I was discharge that day because of my religious belief.

Did you admit that there is no material dispute that on my constructive discharge Sgt Rodriguez did not discuss about negative working performance but Sgt Rodriguez told me to write me up for walking out the post to pray

Did you admit there is no material dispute that Verbal statement from Sgt Rodriguez while Detective King on the leave not sure if she was on her vacation leave or because of my internal religious complaint leave against her. Sgt Rodriguez came to my post approximately between April 1-April 4, 2022 Sgt Rodriguez said "*That's why I give you post 2b so you can pray*" from this statement we know the acknowledgement from TOUR 1 commander (Sgt Rodriguez) of the October 2021 incident will happened again that I will get written-up for abandoned the post in order to pray. (See Exhibit D-5) when Captain Melendez describe "*post abandonment months ago by your direct supervisors*" this statement is not true because my direct supervisors never write-me up for post abandonment but I received the negative working environment signed by direct supervisors (Sgt Rosado & Captain Laboy) (see Exhibit Q) but the audit log in history describe the negative performance created by captain Melendez (See Exhibit Q, page 32) after I submit the covid card which contain my age and my birthday on September 24, 2021 (See Exhibit I). Supervisors never write-me ups for post abandonment and but the truth is Captain Melendez who write-me ups for no body relieve me when I need to relieved bathroom urges and needed to pray. Prior this incident Sgt Rodriguez said to me verbally he doesn't have enough people to relieve me to pray at midnight shift and Sgt Blount said I cannot go to the bathroom and she need the doctors note if I will be going to the bathroom every morning but at the time I can provide the doctors note because the doctors said going to the bathroom every morning not considered sign of sickness.

DID you admit that there is no material dispute that:

cannot

1. ADA DISCRIMINATION (SEE EXHIBIT Z-98, EXHIBIT Z-103, EXHIBIT Z-104)

My accommodation to pray struggling to be accommodated has caused me not given the opportunity to request accommodation under ADA due to my prediabetic condition (December 12, 2021- April 09, 2022). I went to the doctor for medical check-ups and the doctor said I have pre-diabetic condition but at the time I was place in post 2B where this post no need relief for bathroom and prayer until in the end of January 2022 I was asked to removed to post 4 main lobby by Detective King (central command officer) and a few weeks later Sgt Rodriguez said to me they eliminate post 2B from midnight shift but I found out

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they still have this post 2B but it was assigned to another officers. Since I had been place in post 4 main lobby permanently I got encountered with Detective King and I filled the first religious internal complain(See Exhibit A) and the second internal complaint(See Exhibit B), See Exhibit N-2 and See Exhibit F until leading to my constructive discharge (See Exhibit L-3) and (See Exhibit L-4)

My accommodation to pray on time was struggling to be accommodated made me not able to request the bathroom under "ADA" when I was disclosed my health situation of Prediabetic situation during EEO interview was conducted on April 13, 2022(See Exhibit V) when I said to Steven Strauss "I don't want to blame NYC Health+hospitals for having pre-diabetic condition" and he asked me to filled the bathroom accommodation and discrimination form I did not filled out the form because I already discharge on April 12, 2022(See Exhibit L4). Also Steven Strauss did not let me to finish my sentence when He said "and" .. "and"... when I said "I leave my post without undue hardship of the employer" he did not let me finish the sentence and he shh... me he said "st..SST.. he did not let me to finish my sentence. he said he will called me back but he seems have conflict interest with NYC health+hospitals. He asked to filled the bathroom accommodation form and discrimination form but I did not returned the form back and I filled the EEOC complaint instead that day on April 13, 2022 at 3 pm (See Exhibit L-5), (See Exhibit Y). He did not giving me the opportunity to speak and he limited to say "Yes or NO" question and I do not give the opportunity to speak under free will like EEOC complaint.

Did you admit that there is no material dispute that :

7 December, 2021 - 04/09/2022.

Refusal of Bathroom accommodation CAUSE MY HEALTH CONDITION(SEE EXHIBIT URINARY TRACT INFECTION WHICH SEVERAL DOCTORS PRIOR I WAS DISCHARGE AND ON PROXIMITY TIME FRAME/ THAT URINATE IF I NEEDED TO AND CHANGE THE PADS IF YOU NEEDED TO and needed the doctors note in order to be accommodated for bathroom(SEE EXHIBIT Doctor SAID I got

In October 2021 Sgt Blount and Captain Melendez said "you need the doctor note if you will be going to the bathroom every morning " but in October 2021 I did not diagnosed for Prediabetic condition yet and the Doctor asked me if I feel normal going to the bathroom every morning and I said yes and he told me going the bath room every morning is not signed of sickness. The doctor said he went to the bathroom every morning too.

Prediabetic
tic

AGE DISCRIMINATION(See EXHIBITS TACTIAL BATON CERTIFICATION, according to the city of NY I was qualified for the job)

(SEE EXHIBIT EEOC DOCS, Page 5 and Page 6, Officer Day, E was list No.12) Did you admit there is no material dispute that that on the same time frame of Officer Day, E was on her transition retired also the same time my training at patrolling post was pause. I believed the department think its waste time to train me when I will be next future Officer Day, E which department can't wait for her to retire because of her age cause an adverse to the department and I came along as older female officer which department believed in few years I will be next Officer Day, E which the department can't wait for her to retired and eliminate because of her age when according to the lady testimony that :

There is another lady who used to work at post 4 main lobby and she is old and she called sick a lots and the department can't wait for her to retired

This time frame also the same time I supposed to received patrolling training but my training was pause because I believed because revealed my age to Detective king when she said she was 44 years old and have 4 grand kids I said "me too but I don't have kids" I reply to Detective King. The situation at the time nothing change much I started not having proper training and Detective king trained me differ than the younger new employees when I realize Detective king did not properly trained me by eliminate some of the task on post 8 assignment (See Exhibit C-19@0300) when she supposed to teach me about central command procedure and I was asked to sit at ER .I was started assigned at midnight

(19)

shift post 4 main lobby and my patrolling post training was not done and new younger officer(Office

Cannot

Chapagain and Officer Smith) already assigned to patrolling post and working on rotating job assignment and After Officer, Day was retired the department put me on post 4 main lobby permanently until one day Officer Phillips leave the desk and Detective king started to replace Officer Philip position and the first time Detective King refuse my prayer accommodation which she told me in order to pray need permission from Tour 1 commander and field supervisors the night before and must requested during rollcall and the first time when I requested to pray during rollcall Sgt Rodriguez

refuse the accommodation when he said "We all pray to almighty God and we pray where we stand" which I told him I can pray in my post and I need to go to mosque and pray and doing ablution and he said he try his best and followed up next following week I was refuse bathroom accommodation by Sgt Blount, Detective Robinson, Detective King and Captain Melendez requested for covid card with contain my age and birthday and followed up I received the negative working performance on patrolling post which I did not finish on the training on November 19, 2021 and I was write-ups for something which I don't know.

Did you admit there is no material dispute The "But For" of my age the respondent had giving more favorable working condition to the new younger officer(Officer Smith, Chapagain, McLaughlin, Gutierrez) who were graduated from HP police academy on July 23, 2021(See Exhibit C-15) the same date as my graduation. I am assigned to Midnight shift on August 9, 2021 with Officer Smith and CHapagain(See Exhibit C-14) and Officer Gutierrez and Officer McLaughlin stay in the morning shift(See Exhibit C-14). I encountered with Detective King who I was told by field supervisors that Detective king, senior trainer will train the new officers at midnight shift. On the first day Detective king was very nice towards me until a few days later During Locker room conversation with Detective king I was reveal my age range when she said to me that she was 44 year old and have 4 grandkids and I said "me too" I am on that age range but I don't have kids. The next day she acting different towards me but I did not see any significant change on the HP operation because at the time she just regular officers but she did trained me but many time I did not train properly by Detective king because she diminished the step on the post 8 training (See Exhibit C-19) @0315 when she skipped to trained me on the central command officer operation training(Must relief central ops for lunch and break) because she asked me to sit on ER and also I did not finish the training post 10 patrolling post training. The condition in HP department change when Detective King was assigned to replace Officer Philip who because the Department started put me on Post 4 main lobby most of the time and since then Department put me on post 4 main lobby with struggle to pray and bathroom accommodation. The new younger officer (Smith, Chapagain) already assigned to patrolling post and Officer Smith was assigned to operate Central command officer and Officer Chapagain already granted to choose his preference shift in October 2021 I did not assigned to patrolling post and followed-up with the training and assigned to patrolling post the next day to patrolling post because my patrolling post training was not done.

Officer Chapagain and Officer Smith were receiving full training for some reason my training was differ that the other new younger officers until Detective Kings was assigned to replace officer Philip to work on central command since then Detective King said I need permission from field supervisors and tour commander in order to pray and I must request the night before and must be request during rollcall in order to pray. The new younger officers were treated better than me in terms and condition of Employment.(See Exhibit C-14).(See Exhibit C-15)

Did you admit there is no material dispute that My adverse "But for" cause by my age(Discrepancies on the Negative Working Performance(See Exhibit Q)

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- Captain Melendez request to submit my covid card which contain my age and birthday to to him and as per respondent position statement stated that I do not need to submit my covid card to Captain Melendez but Captain Melendez asked to submit the card to him (See Exhibit I)
- Captain Melendez Refuse to give me my desire shift On October 2021(Morning Shift) **"But For"** my age and giving the morning shift to new younger female officer (22yrs old, Officer Sultana)In December 10,2021(See Exhibit C-10), when the morning shift on October 2021 have shortage officers(See Exhibit S-9), Captain Melendez said to me in October 2021 that he cannot put me in the morning shift because he has enough female officers to work in the morning but the facts the department do have shortage officers in October 2021(See Exhibit S-9) when I was mandated it to work in the morning in many occasions in October- November 2021 from 11:30 pm—0400 pm but from the facts my request to work in the morning was denied "but for" my age and the department had mandated me to work overtime in to cover the shortage officers in October 2021(See Exhibit S-9), mandate overtime proof the department need officers to work on morning shift but request denied **"But For"** my age and Captain Melendez give my shift preference new younger female officer 22 yrs old, Officer Sultana to work in the morning shift in December 10, 2021(See Exhibit C-10), recent graduate officer December 10, 2021.
- Officer Chapagain move to preference shift in October 2021 and assigned to patrolling post and rotating post assignment(See Exhibit C-12 & See Exhibit C-13)
- Officer Smith assigned to Central Command officer training in October 2021 and rotating post assignment(See Exhibit C-13)
- Officer Gutierrez New younger Officer who graduated with me was promoted to ER FLEX Officer(Exhibit C-11)
- Discrepancies on my negative working performance(See Exhibit Q, Page 2-4 Or , See Exhibit L)& RESPONDENT POSITION STATEMENT
 - Discrepancies on my write-ups(See Exhibit K) and(Exhibit C-13), I was off on September 12, 2021
 - My negative working performance stated I was fail on some work performance on patrolling post duties but I did not assigned to the patrolling post on these dates but according to my police memo books I did not assigned to patrolling post on these dates(See Exhibit M, EXHIBIT N, EXHIBIT O, EXHIBIT P) My police memo books indicated that I work on Post 4 and post 2B on these dates not assigned to any patrolling post
 - (SEE EXHIBIT S-7)As Per respondent position statement I was assigned to post 4 Main lobby because I am new officer but I am not new officer in the department(See Exhibit C-15, My graduation Date, July 23,2021) and See Exhibit C-10, New Younger who recently Graduated, December 10, 2021 Lower Seniority than me) was assigned to my desired shift (Morning Shift, should be assigned on midnight shift post 4 main lobby)
- Put me on the Graveyard shifts and give morning to new younger Officer, 22yrs old Officer Sultana to work on my preference shift
- My training was differ with the new younger officers(My training was pause and Sgt Rodriguez and Detective king assigned me to post 4 main lobby which giving me the difficult accommodation for bathroom and to pray and my training in patrolling post was pause (did not

(17)

finish) and the younger new officers(Chapagain) already given the opportunity to choose their preference shifts In October 2021(See Exhibit C-12 AND Exhibit C-13) , Rotating Job assignment in Patrolling post

- I never have rotating job assignment to work at patrolling post(See Exhibit T), Indicated never assigned to work on patrolling post
- Put me permanently in restricted post which supposed to assigned to new recent HP police Graduate but "My age" is the adverse made
- Accusing poor performance of not checking the Employee ID from Sgt Desantes see respondent position statement(See Exhibit T), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID(See Exhibit).
- Respondent Position statement stated on

Sexes Discrimination Based on Woman(see exhibit A-3) the second mmr vaccine can be hold until march 2022 which I supposed to be accommodated my rights to be pregnant because it is woman's rights

DID you admit that there is no material dispute when (See Exhibit X)My rights as woman to be pregnant become the contingency of the Employment whether should be hired or terminated from the job such as intention to be pregnant become the contingency of the employment when I was told by DR. Willby I cannot get pregnant within 3 months and must sign the consent if I am pregnant the MMR vaccine will harm my fetus or unborn babies or I will not get the job. I told Dr. Willby I have intention to be pregnant and she did not giving me any form to waive the requirement as per respondent position statement said I can be waive by filling the form but DR. willby did not give any form to filled out.I told her already one MMR vaccine from Baruch college but she said I need 2 MMR vaccine in order to be hired.

SEE EXHIBIT A-3 INDICATED THAT THE MMR VACCINE CAN BE HOLD UNTIL MARCH 2022.

Also physical force instruction to tightened the belt during police academy while I was pregnant or I will be discharge from HP police academy when Captain Padilla said to me "IF YOU BELT LIKE THAT I WILL TAKE YOU UPSTAIRS" going upstairs meaning will preparing paperwork of discharge from academy. The incident happened after I was submit the doctors which have contain of pregnant woman holding the belly and the heading note stated "HEALTH CARE FOR WOMEN OB GYN".

Exhibit A-3indicated that the MMR vaccine can be hold until March 2022 why Dr. Willby did not let me to waive the MMR vaccine in order to accommodate my intention to be pregnant in the first place in March 22, 2021 because I told Willby that I already have one MMR vaccine from Baruch college(See Exhibit C-6).

Exhibit B-1 ,Exhibit C-1, C-2,C-3,C-4,C-5indicated of the MMR vaccine did not mandated for every new hired (Mahmuda Hospital Care Investigator List :586, said she was not required to take the MMR vaccine in order to pass the terms and conditions of employment in order to be hired for Hospital Care Investigator List #586.

Dr Willby said I cannot get pregnant within 3 months (MMR Vaccine) in order to be hired at NYC Health+Hospitals.

Captain Padilla said **"IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"**, taking upstairs meaning preparing of dismissal paperwork of employment, during Hospital police academy I am the only who force to tightened the belt because Captain Padilla have acknowledge of my pregnancy from the doctors I was submitted regarding my June 25, 2021, My GYN doctor's visit which the note contain the heading picture of pregnant woman holding the belly and the heading stated that "HEALTH CARE FOR WOMEN OB GYN". I become the target

18

me only

14

because of my pregnancy. Captain Padila instructed Detective Lay to tightened my belt only not

(19)

others ladies and She took me to the bathroom and tightened the belt against my will. Captain Padilla Instructed all the Hospital Police candidate "every one go back to classroom except Recruit Febrianti". I believe Tightening the belt is Illegal for woman because woman might be pregnant or bearing the child.

My rights as woman violated when I was told by Dr. Willby that I have to hold pregnancy within 3 months in order to be hired at NYC Health+ Hospitals because I must to take 2 MMR vaccine and I have to sign the paper of consent if I am pregnant the MMR Vaccine will harm the baby. I told Dr. Willby that I had intention to be pregnant. Also, I told Dr. Willby that I already took the MMR vaccine during my admission at Baruch College.

Tightened the belt is the part of company policy as respondent said but I am the only one who were asked to tighten the belt when Captain Padilla said "everybody back to classroom except recruit Febrianti" because Captain Padila aware of my pregnancy.

My condition as woman become the contingency in order to be hired and Discharge from the job during police academy when Captain Padilla I strongly believed have acknowledged of my pregnancy from the note which I was submitted have the picture of heading of woman heading the belly and the heading state "Health Care for Woman OB GYN"

Retaliation: Refuse to Hire as Hospital Care Investigator List: 604(See Exhibit L-2): NYPD
 refused me to filled my eviction complaint after my CCRB investigation complaint on September 13, 2024 when Sgt Paulson said I put word on his mouth when I said "Feel Free to call 911 in sarcastic way by saying We're not going to come) because of my protected activity having lawsuit against the city(NYC Health+ Hospitals and DHS

He said (SGT PAULSON)

I DID NOT RECEIVED THE ONBOARDING HIRING PACKAGES IT'S NOT MATERIAL CANNOT BE DISPUTE THAT (SEE EXHIBIT C) WHEN CAPTAIN MELENDEZ ATTACH MY REPLY EMAIL OF MY EXHIBIT G WITH THE CC ATTACHMENT OF THE HIGHEST LEVEL OF POSITION SUCH AS :
 CEO OPERATION OF NYC HEALTH+HOSPITALS, JENNIFER FIGUEROA
 DIRECTOR OF OPERATION OF NYC HEALTH+HOSPITALS: JOHN MUNIZ

THIS 2 PEOPLE THE MOST INFLUENCE, EDUCATED AND THE HIGHEST POWER AT NYC HEALTH+HOSPITAL AND THIS 2 PEOPLE ALSO HAVE POWER TO TELL THE RECRUITER OF HOSPITAL CARE INVESTIGATOR (LIST;604) WHETHER I WILL BE HIRED OR NOT. DEFINITELY "BUT FOR I WAS FILLING INTERNAL RELIGIOUS COMPLAINT HAS CAUSE ME NOT TO BE HIRE AND THE RESPONDENT REFUSE TO HIRE "BUT FOR" MY PROTECTED OF FILLING INTERNAL RELIGIOUS COMPLAINT WHICH ON THE SAME TIME FRAME I SUPPOSED TO RECEIVED MY ONBOARDING PACKAGES PROCEDURE AND THE LIST OF THE PROCEDURE OF HOSPITAL CARE INVESTIGATOR POSITION, LIST 604.

MICHELLE JENNIFER FIGUEROA AND JOHN MUNIZ IS THE HIGHEST LEVEL POSITION AT NYC HEALTH+HOSPITALS WHICH THEIR POSITION WAS THE ABOVE POSITION AS MY SERGEANT, LIETENANT, CAPTAIN AND THESE 2 PEOPLE WAS ABOVE HUMAN RESOURCES AT NYC HEALTH+HOSPITALS. I SENT THE LETTER ON APRIL 8, 2024 AND NO REPLY BECAUSE THE HOSPITAL HAS PREMEDITATED PLAN TO DISCHARGE ME UNDER "UNDUE HARDSHIP" TO TERMINATED FROM THE JOB.

meaning "No Undue Hardship"

WHEN Captain Melendez WAS REFUSE MY INTERNAL RELIGION COMPLAINT
VERBALLY WHEN HE SAID THAT :

*The department not willing to accommodated THE EARLY PRAYER TIME ALL
THE TIME AND IT'S OKAY TO PRAY UNTIL SUNRISE*

WHICH IS FORBIDDEN ACCORDING TO PRAY UNTIL SUNRISE AND CAPTAIN MELENDEZ
DEFEND DETECTIVE KING ~~TO~~ NOT TO ACCOMODATED MY PRAYER TIME EVEN THOUGH
THERE'S NO UNDUE HARDSHIP(SEE EXHIBIT B) WHEN THE DETECTIVE KING TRANSFER TO
SGT ROSADO AND I TOLD SGT ROSADO THAT I NEED TO BE RELEIF TO PRAY AND SGT
ROSADO SAID WHY YOU DIDN'T CALLED THE DESK AND I TOLD HIM THE DETECTIVE KING
TRANSFER ME TO HIM. SGT ROSADO SAID *why I did not called the desk*
THIS INCIDENT REFERRING TO SURAH AL MU'MINUN (SEE Page 4, Paragraph 5)

Qur'an verse 34-40

~~THE~~ I did not received Exhibit S(Onboarding Package) of Hospital Care
Investigator in mail, email and phone WAS NO MATERIAL TO DISPUTE THAT
notification like my special officer job offer Exhibit S(See Exhibit S of special
officer job) *Because NYC Health hospitals higher position*

*level of CEO operation (JENNIFER FIGUEROA) and
Director operation (John Munitz) retaliation of my
internal religious complaint to NYC Health Hospitals*

(EXHIBIT S) of this position DID NOT DELIVERED TO ME in the mail) AS PART OF MAHMUDA
STATEMENT, I met the lady at at OHS 6th floor while I was attempted to go to OHS in March 4, 2024
as per Captain Laboy command to go to OHS (Employee Health). Her name is Mahmuda and her list
#586. She told me she was there at OHS in order for onboarding process for Physical examination for
Hospital Care Investigator(List ; 586) and she was showing me her(Exhibit S, Onboarding
process)which she RECEIVED through mail which contain her , address and her list# and the address for
onboarding process will be held which it almost the same with my special officers job offer I was
received in the mail.

The respondent refuse to hired me as hospital investigator list:604 because of my protected activity of
filling the internal religious complaint to Hospital police department(See Exhibit A, Exhibit B, Exhibit
E, Exhibit F) and protected activity of having Discrimination lawsuit against former Employer in Federal
Court(SDNY) in 2015(See Exhibit R).

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This time frame is the same time I supposed to received letter in the mail regarding this position. I never received anything in the mail, email or phone call about this position I believed the respondent refuse to hired me because of protected activity of filling internal religious complaint at NYC

Health+Hospitals(See Exhibit A, Exhibit B, Exhibit N-2, Exhibit F)and retaliation of my filling the complaint of discrimination of my former employer while during psychological interview question(See Exhibit R) I was asked "Do you have any court proceeding" and my answer was yes I had discrimination against my former employer in federal court in 2015.

See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5)I met the lady on April 4, 2022, Her name is Mahmuda. She said on her text messages during onboarding process she did not asked to take MMR vaccine by the respondent that she was hired As Hospital Investigator and she said she received letter in the mail of her list number was up for onboarding process for the city jobs as Hospital Care investigator and she added she received email and phone too. The lady also show me her(Exhibit S) of her Onboarding employment process she received the letter in the mail and email and the phone and almost the same like the form when I received for special officers civil service notification in the mail .See Exhibit S

Did you admit that there are no material dispute on these statements:

I believed the respondent had been discriminated against ^{me} base on disability(ADA), my religion, age, retaliation, my sex, female, in violation of Age discrimination Act of 1975, as amended and violation Title VII of the Civil Rights Act 1964, as amended . Retaliation = refuse to Hire

Religious discrimination

- My religious internal complaint late to reply more than 24 hours period(replied within 36 hours Period), COMPARE EXHIBIT B AND EXHIBIT C TIME FRAME
- No Undue hardship(more than 5 unnecessary officers in central command office chit chatting) which only one central command officer require for midnight shift during my religious constructive discharge and they supposed to be relief to pray instead
- The Undue Hardship in HP department is to discharge me(Officer Jones said " Officer Chapagain" was on his way meaning no Undue hardship.
- Officer Martinez called me on HP radio disturbed me while I was in state of praying (Radio transmission command mentioned my shield # and mentioned the code 10-1 to called central command on the phone and the code 10-2 to report to HP head quarter of of misconduct of praying, Officer -Martinez also give the instruction to relief post 4 officer to stay on the post permanently because I am not coming back to the post because I was constructive discharge while I was in state of praying, Sgt Rodriguez came out from central command and I heard the voice of officers in central command and I was asked by Sgt Rodriguez to choose "GOD or

HCI LIST: 604
= NYPD Retaliation
"But for"

file
CCRB
discrimination
Complaint

File CCRB
Race and
Religion
discrimination
Complaint
made
me

refuse to file
NYPD Police report of
Eviction Complaint
on September 19, 2021

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A job" in order to for me to work there and I said I choose "Allah first " I give him all my police equipment such as Shield, ID, Keys, Radio and

- Department(Officer Wood and Sgt Rosado giving me verbally statement on April 7, 2022 not willing to accommodated my early prayer time anymore .
- Sgt Rosado stated to me "Sorry no more early prayer time for you anymore" . Officer Wood stated that if I walked the post I will get written up
- Premeditated Undue hardship(Hospital Administration aware I will walked the post from the email I sent to them on April 7, 2022 when I said on Exhibit F " *Allah Commands to pray always come first and Sgt Rodriguez not to abandoned the post come second*"

Verbal statement from Hospital Police Department intentionally not willing to accommodation for me to pray on April 7, 2022

The court should request the recording of the phone conversation on April 7, 2022 at 0445 am from Hospital police administration when the Hospital Police Department refuse the early accommodation for me to pray when Sgt Rosado(HP Field Supervisor) and Officer Wood (Central Command on duty) said to me verbally over the phone"*sorry no more early prayer time for you anymore*" and" *from now on you will accommodate late to pray*" and "*if you walked the post you will get written up*", "*Sgt Rodriguez given commands to all central command officers and all field supervisors to relieve you to pray from now-on*".

Captain Melendez giving me statement verbally not willing to accommodated my prayer time all the time(See Exhibit G).

The Hospital Police administration, Chief Hospital Police (Captain Melendez)already giving me the verbal statement that the departments are not willing to accommodate my prayer time all the time but when I asked Captain Melendez to put the refusal statement in writing he refused and denied the allegation (See Exhibit G).

Captain Melendez reply my religious internal complaint 36 hours later from Sunday, February 28, 2022 at 08:48 pm to Tuesday, March 2, 2022 at 10:09 am which is the 36 hours gap failed to response my internal complaint right away.

Did you admit that there is no material dispute that If tightened the belt is part of uniform company policy why I am the only one to force tightened my belt when Captain Padilla said to body back to classroom except recruit Febrianti and after every one leave I was told by Captain Padila that if you have a belt like that I will take you upstairs meaning going upstairs preparing of discharged paper and Captain Padilla instructed Detectives lay to adjust my belt without my freewill. Detective santa lay tightened my belt without my freewill and I came back to classroom and when I sit I feel congested on my fetus and on the same day at 5

See Exhibit Q Did you admit that there is no material dispute the reason the respondent submitted the second evaluation negative performance with Sgt Rosado modification was because you trying to swift the attention that on negative working performance evaluation statements was given to me on

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November 19, 2021 (see page 13-33 of exhibit Q)) was created by Detective King compare with the second evaluation statements given to EEOC statement (see exhibit m-65 page) 34-35 by adding Sgt Rosado modification in order to cover pretext prima facie of Employment Discrimination because Detective King who create this negative working performance according to her statement because all my interaction was with Detective King AND I NEVER HAVE ANY OBSERVATION WITH SGT ROSADO AND MY MOST INTERACTION WAS WITH DETECTIVE KING AND SHE SAID "IT'S GOING TO BE ON YOUR FILE" WHEN SHE CAME TO MY POST ANGRY.

Did you admit that there is no material dispute

a. ADA retaliation

"but for "my prayer accommodation was struggle to accommodated I was reluctant to request for ADA accommodation if my prayer was struggling to be accommodated I cannot work there. My prayer is my everything and the purpose of life is to pray according to Muslim religion and Allah must come first. I was diagnosed prediabetic in December 2021 and at the time everything was okay because I work at post 2B most of the time until in the end of January 2022 the respondent took post 2B from me and made me struggling for prayer accommodation and bathroom accommodation. I also been advise by 3 different doctors not hold my pee and urinate frequently because I got very serious urinary tract infection but my working condition did not accommodate me for bathroom made me struggling and leading to my constructive discharge on April 9, 2022.

b. NYPD retaliation

I went to Department of Human Rights in September 2024 to filled NYPD discrimination complaint prior my evicted from the shelter Approximately In September 2024 and DHR said NYPD have different jurisdiction and THE DHR SENT ME TO CCRB .

I FILLED CCRB COMPLAINT INSTEAD IN SEPTEMBER 2024 AND CCRB LOCATED ON THE SAME OFFICE WITH DEFENSE COUNSEL, RODALTON POOLE AT 100 CHURCH STREET, NEW YORK, NY

DHR advised me to filled NYPD discrimination complaint CCRB which located at 100 church street which the same address as per defense counsel of NYCHHC Rodalton Poole.

I got 26(F) phone conference with Mr. Rodalton Pole to discussed the Schedule Order and Management Plan and on the same night I send email to Department Human Rights to add August 24, 2024 additional sexual harassment complaint to Department Human rights against DHS and the same night I did not allowed back to the shelter and I called 911 operator and they said there is nothing they can do.

DOCTOR
SAID
I GOT
Prediabetes

(24)

20

my protected activity OF FILLING CCRB COMPLAINT ON SEPTEMBER 2024 (SEE CCRB INVESTIGATION) of having lawsuit against the city (NYC Health+Hospital) and DHS made NYPD refuse me to filled eviction complaint on September 19, 2024 when I called 911 twice and I told the operator about the eviction from the shelter and the operator said "there is nothing we can do" I called 911 for second time but no police officer came.

NYPD REFUSE ME TO FILLED THE COMPLAINT TWICE, THE FIRST ONE ON AUGUST 24, 2024 WHEN BOTH NYPD OFFICERS DENIED ME TO FILLED THE ISLAMOPHOBIC COMPLAINT WHEN HE SAID "WHY YOU CALLED US". *2nd Complaint refuse eviction Complaint on September 19, 2024*

IN THIS CASE NYPD IS PUBLIC SERVANT, NYPD WORK FOR ME BECAUSE I AM THE ONE WHO PAID TAXES IN THE YEAR 2023 FOR THE AMOUNT \$350 AND IN THIS CASE I BELIEVED I WAS REFUSE TO RECEIVED THE PUBLIC BENEFIT SUCH AS TO FILLED THE ISLAMOPHOBIC COMPLAINT(AUGUST 24, 2024) AND REPEATED AGAIN ON SEPTEMBER 19, 2024(REFUSE EVICTION COMPLAINT) "BUT FOR" MY RACE: INDONESIAN, MY RELIGION : ISLAM BECAUSE THE WAY I WAS DRESS AS HIJABY LADY REPRESENT MY RELIGION AND MY PROTECTED ACTIVITY OF DISCRIMINATION LAWSUIT AGAINST THE CITY(NYC HEALTH+HOSPITAL AND DHS) AND ALSO "BUT FOR" I FILLED THE CCRB COMPLAINT WHEN THE DHR SENT ME TO CCRB TO FILLED THE DISCRIMINATION COMPLAINT AGAINST NYPD WHICH THE CCRB LOCATED THE SAME ADDRESS AS DEFENSE COUNSEL WHICH I BELIEVED 100 CHURCH STREET IS THE OFFICE OF DEFENSE COUNSEL OF NYC HEALTH+HOSPITALS, DHS AND NYPD WHICH ALL OF THEM WAS CONSIDERED THE PUBLIC SERVANT WHO SUPPOSED THE COMMUNITY REGARDLESS THEIR RACE, RELIGION AND PROTECTED ACTIVITY IN THE EYES OF LAW.

NYPD refusal to filled eviction complaint because my race, religion and my protected activity of having lawsuits against THE CITY.

THANK YOU SO MUCH FOR THE COURT FOR THIS MATTER.

SINCERELY YOURS,



ERICA FEBRIANTI

25

Request for Summary Judgement**Activity in the case Febrianti V NYC Health+Hospitals
23cv 06175****Religious Discrimination**

According to supreme court law about religious freedom is Employer must accommodate the religious accommodation to Employee except the undue hardship must cost the "Substantial cost" to Employer.

Supreme Court cases Religious freedom

Groff v. DeJoy, 35 F. 4th 162, 166 (3d Cir. 2022). The case postal service **Groff v postal worker** is different case with my situation because in my situation there's no undue hardship at all but the disparate treatment because on April 7, 2022 the Hospital Police Department verbally mentioned to me they were not willing to accommodate my accommodation to pray on time anymore. Sgt Rosado said to me over the phone and he said "Sorry no more early prayer time for you anymore, Officer Wood said to me if I walked the post I get write-ups I will be relief late to pray from now-on. (**See Exhibit A**), on **February 25, 2022** This statement contradiction with my first internal religious complaint email to Captain Melendez that I need to pray on time and I need to be relief before the prayer time so I can have enough time for ablution, bathroom relief and enough time to travel 12th floor mosque in order to pray on time. I provide the verse from the Qur'an that I must pray on time.

Constructive Discharge: On April 09,2022(See Exhibit L-3)

(See Exhibit N-2), (See Exhibit F) On April 7, 2022, Officer Wood(**Central Command officer**) said to me over the phone that Sgt Rodriguez told him to relieve me late to pray at 0513 am. He transfer the call to Sgt Rosado(**Field Supervisor**) and Sgt Rosado said to me over the phone "**Sorry No more earlier prayer time for you, and Sgt Rosado said Sgt Rodriguez(Tour 1 Commander) instructed all the central command officers and Field supervisors to relief me late to pray from now-on**".

April 8, 2022(waiting email from the hospital administration to the situation to response) no reply.

(See Exhibit L-3) April 9, 2022 come to work ready for the worst (nobody relief me to pray and I walked out the post and asked by Sgt Rodriguez that I need to choose between God or a Job) in order to work there I choose "God first" I give my police Equipment such as Keys, ID, Radio, Etc

See Exhibit L-3, April 10, 2022 Notification of my constructive discharge to CEO Operation(Michelle Figueora) & Director of Operation (John Muniz). This 2 people are the highest person who run the hospital who were above my captain, Sergeant and Lieutenant in Hospital Police department. On the email I asked if my prayer time conflict

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with HP police operation. I received the answer of my question from NYC Health+Hospitals (**See Exhibit L-4**).

See Exhibit L-4 Termination letter indicated "please be advised you have not satisfactorily completed your probationary period, therefore your service as special officer in the HP department NYC health+Hospitals are hereby terminated effective close to business today, April 12, 2022

First Religious Internal Complaint On February 25,2022(See Exhibit A)

Prior this incident on February 25, 2022(**See Exhibit A**) I requested the accommodation to be relief early before the prayer time in order to pray on time due to I needed to do ablution, bathroom relief and go to the mosque at 12th floor(**See Exhibit A**) and provide the verse from Qur'an that I have to pray on time.

Surah Al ma'un Verse 3-7 " Woe for those who pray, who abandoned the prayer after the fixed time".

Second Religious Internal Complaint(March 27, 2022)(See Exhibit B)

My religious internal complaint against Detective King who refused the accommodation for me to pray and Captain Melendez told me verbally on March 28, 2022(**See Exhibit G**) that "***the department will not willing to accommodate the early prayer all the time***", and he said to me verbally some Muslims can pray until sunrise. It's haram(Forbidden) to pray during sunrise. There was no undue hardship on my second religious internal complaint because When Detective King refuse my prayer accommodation, she transfer to Sgt Rosado and Sgt Rosado said why I did not called the desk to relief my prayer meaning no undue hardship and my post safe and clear too(**See Exhibit B**).

My second religious complaint late reply after 24 hours period (Compare Exhibit B and Exhibit C) time frame between 36 hours difference)

Supreme Court Cases on Religious Freedom

EEOC v. Abercrombie & Fitch Stores, Inc., 575 U.S. 768 (2015): Samantha Elauf refused to hire due to "the look Policy" of her headscarf but the Abercrombie aware and acknowledge she wear it for her religious purposes.

(**See Exhibit C-16**)Same thing with my situation when the Special Officer policy that I must followed the instruction of HP operation that I am not supposed to leave the post and followed instruction of the above Position but Sgt Rodriguez aware I will be walking out the post in order to pray when during my discharge he asked me the questions "***Why you leave your post***" I replied "***I have to pray***" and Sgt Rodriguez said "***this job is not for you***", "***you have to choose God or a job***" I told Sgt Rodriguez I choose God first and I gave him my radio, keys, Shield, etc and there was no undue hardship on 04/09/2022 the department busy to discharge me between 0458 am -0530 am (**See Exhibit L-3**),(**See Exhibit L-5**)when 5 unnecessary officers at Central Command

offices doing nothing duration 0458am -0530 am (See Exhibit F, Paragraph 9) when I emphasize on my email to Hospital administration that:

Allah commands to pray come first and HP command not to abandoned the post come second

The verse in Qur'an when it's time to pray do not listen other instruction except Allah instruction to pray, Prophet of Allah said (See Exhibit Hadith) of the important of prayer on time .

Qur'an verse on Surah Al mu'minun (the Believer) Verse 34-40 ;

And if you ever obey human like yourself you will be losers. Does he promise you that once you are dead and reduced to dust and bones, you will be brought forth 'alive'? Impossible, simply impossible is what you are promised! There is nothing beyond our worldly life. We die, others are born, and none will be resurrected. He is no more than a man who has fabricated a lie about Allah, and we will never believe in him."

Verbal Statement refusal of my prayer accommodation from Hospital Police Administration

"This job not for you" mentioned twice by Captain Melendez and Sgt Rodriguez but Captain Melendez mentioned it first on March 28, 2022 (See Exhibit G) when I confronted him and asked him if he received my internal complaints email (See Exhibit B) and Captain Melendez said yes but he said the department will not accommodate my *early* prayer time all the time and he did mentioned about **"this job not for you"** and Captain Melendez also said **"I know some Muslims can pray until sunrise"** which forbids in my religion to pray at sunrise.

"This job not for you" mentioned by Sgt Rodriguez during too my discharge on April 09, 2022 but Sgt Rodriguez added **"you have to choose God or A job"** and I said **"I choose Allah first"** I gave him my keys, my badge, Shield, Etc.

(See Exhibit L-3), (See Exhibit L-5) Prior this statement Sgt Rodriguez asked me which leading me to my constructive discharge **"why you leave your post"** I said **"I Have to pray"** and Sgt Rodriguez replied to me **"This job is not for you, "you have to choose God or a job"**. I told him I choose **"God First"**. I gave him my Keys, ID. Sgt Rodriguez said he did not fired me he just wanted to write-me ups for walking out the post but I have to clock out at 5 am that day comeback tomorrow if I will choose job first and I told Sgt Rodriguez that **"today and tomorrow are the same I will choose "Allah first"** I was discharge that day because of my religious belief.

Approximately on March 30, 2022 -April 2, 2022 Verbal statement from Sgt Rodriguez while Detective king on the leave not sure if she was on her vacation leave or because of my internal religious complaint leave against her. Sgt Rodriguez came to my post and Sgt Rodriguez said **" That's why I give you post 2b so you can pray"** from this

statement we know the acknowledgement from TOUR 1 commander (Sgt Rodriguez) of the October 2021 incident will happened again that I will get written-up for abandoned the post in order to pray.(**See Exhibit D-5**) when **Captain Melendez describe "post abandonment months ago by your directs supervisors"** this statement is not true because my direct supervisors never write-me up for post abandonment but I received the negative working environment signed by direct supervisors (Sgt Rosado & Captain Laboy)(**see Exhibit Q**) but the audit log in computer history describe the negative performance created by captain Melendez(**See Exhibit Q, page 34**) after I submit the covid card which contain my age and my birthday on September 24, 2021(**See Exhibit I**). Supervisors never write-me ups for post abandonment and but the truth is Captain Melendez who write- me ups for leave my post because no body relief me when I need to relieved bathroom urges and needed to pray in October 2021 . Prior this incident Sgt Rodriguez said to me verbally he doesn't have enough people to relieved me to pray at midnight shift and Sgt Blount said I cannot go to the bathroom and she need the doctors note if I will be going to the bathroom every morning but at the time I cannot provide the doctors note because the doctors said going to the bathroom every morning not considered sign of sickness.

On April 9, 2022 On the day I was discharge Officer Chapagain came to my post asked he heard from the department that I will sue the company (**Exhibit G**)which I believed he referring to email statement sent to Captain Melendez when I need his statement in writing when he said to me the department will not accommodated to earlier prayer time all the time. Officer Chapagain asked me which organization did I filled the complaint from and I believed Sgt Rodriguez asked Officer Chapagain to asked this question because the department will premeditated undue hardship incident to discharged me. On the same day Sgt Rodriguez and Captain Laboy on April 8,2022 at 11:50 pm after roll call briefing was asked me to log in to my employee account and around 12; 45 am - 0145 am Officer Chapagain came to post 4 main lobby stated that Sgt Rodriguez asked me to go upstairs when I went upstairs Captain Laboy and Sgt Rodriguez was there and they said they log out from my account by mistake and I login to my NYC health+hospitals account on the same time Sgt Rodriguez giving me the statement that my second vacation was approved (**See Exhibit B-4 & See Exhibit B-5**).

ADA DISCRIMINATION(SEE EXHIBIT Z-98, EXHIBIT Z-103, EXHIBIT Z-104)

My accommodation to pray struggling to be accommodated has caused me not given the opportunity to request accommodation under ADA due to my prediabetic condition (December 12, 2021- April 09, 2022). I went to the doctor for medical check-ups and the doctor said I have pre-diabetic condition but at the time I was place in post 2B where this post no need relief for bathroom and prayer until in the end of January 2022 I was asked to removed to post 4 main lobby by Detective King (central command officer) and a few weeks later Sgt Rodriguez said to me they eliminate post 2B from midnight shift but I found out they still have this post 2B but it was assigned to another officers. Since I had been place in post 4 main lobby permanently I got encountered with

That day

From post 2B

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Detective King (**See Exhibit B**) and prior this incident I filled the first religious internal complain(**See Exhibit A**) and the second internal complaint(**See Exhibit B**), **See Exhibit N-2** and **See Exhibit F** until leading to my constructive discharge (**See Exhibit L-3**) and (**See Exhibit L-4**)

My accommodation to pray on time was struggling to be accommodated made me not able to request the bathroom under "ADA" when I was disclosed my health situation of Prediabetic situation during EEO interview was conducted on April 13, 2022(**See Exhibit V**) when I said to Steven Strauss(EEO Officer) "I don't want to blame NYC Health+hospitals for having pre-diabetic condition" and he asked me to filled the bathroom accommodation and discrimination form I did not filled out the form because I already discharge on April 12, 2022(**See Exhibit L4**). Also Steven Strauss did not let me to finish my sentence when He said "and" .. "and"... when I said " I leave my post without undue hardship of the employer" he did not let me finish the sentence and he shh... me he said "st..SST.. he did not let me to finish my sentence. he said he will called me back but he seems have conflict interest with NYC health+hospitals. He asked to filled the bathroom accommodation form and discrimination form but I did not returned the form back and I filled the EEOC complaint instead that day on April 13, 2022 at 3 pm (**See Exhibit L-5**), (**See Exhibit Y**). He did not giving me the opportunity to speak and he limited to say "Yes or NO" question and I do not give the opportunity to speak under free will like EEOC complaint. I don't think if he will investigate himself by eliminate the point I would like to say.

Refusal of Bathroom accommodation and needed the doctors note in order to be accommodated for bathroom

In October 2021 Sgt Blount and Captain Melendez said "***you need the doctor note if you will be going to the bathroom every morning***" but in October 2021 I did not diagnosed for Prediabetic condition yet and the Doctor asked me if I feel normal going to the bathroom every morning and I said yes and he told me going the bath room every morning is not signed of sickness. The doctor said he went to the bathroom every morning too.

1. AGE DISCRIMINATION

The "***But For***" of my age the respondent had giving more favorable working condition to the new younger officer(Officer Smith, Chapagain, McLaughlin, Gutierrez) who were graduated from HP police academy on July 23, 2021(**See Exhibit C-15**) the same date as my graduation. I am assigned to Midnight shift on August 9, 2021 with Officer Smith and CHapagain (**See Exhibit C-14**) and Officer Gutierrez and Officer McLaughlin stay in the morning shift(**See Exhibit C-14**). I encountered with Detective King who I was told by field supervisors that Detective king, senior trainer will train the new officers at midnight shift. On the first day Detective king was very nice towards me until a few days later During Locker room conversation with Detective king I was reveal my age range when she said to me that she was 44 year old and have 4 grandkids and I said "me too" I am on that age range but I don't have kids. The next day she acting different towards

me but I did not see any significant change on the HP operation because at the time she just regular officers but she did not trained me well I believed because of my age and many time I did not train properly by Detective king because she diminished the step on the post 8 training (See Exhibit C-19) @0315 when she skipped to trained me on the central command officer operation training(Must relief central ops for lunch and break) because when she relief the central command officer Detective King asked me to sit on ER and also I did not finish the training post 10 patrolling post training. The condition in HP department change when Detective King was assigned to replace Officer Philip and Detective King said I need permission from field supervisors and tour commander in order to pray and I must request the night before and must be request during rollcall in order to pray and since then the Department started put me on Post 4 main lobby most of the time and On the same time Captain Melendez asked me to submit the covid card which contain my age and birthday (See Exhibit I)since then Department put me on post 4 main lobby with struggle to pray and bathroom accommodation(See Exhibit D-5), "post abandonment write- ups by Captain Melendez because the struggling to be accommodated for bathroom and pray. The new younger officer (Smith, Chapagain) already assigned to patrolling post and Officer Smith was assigned to operate Central command officer and Officer Chapagain already granted to choose his preference shift in October 2021(See Exhibit C-12 and See Exhibit C-13) I did not assigned to patrolling post and followed-up with the training and assigned to patrolling post the next day to patrolling post because my patrolling post training was not done. Officer Chapagain and Officer Smith were receiving full training for some reason my training was differ that the other new younger officers.

My adverse "But for" cause by my age the respondent giving me negative poor performance (See Exhibit Q)(Discrepancies on the Negative Working Performance(See Exhibit L, Exhibit M, Exhibit N, Exhibit O, Exhibit P)

- Captain Melendez request to submit my covid card which contain my age and birthday to to him and as per respondent position statement stated that I do not need to submit my covid card to Captain Melendez but Captain Melendez asked to submit the card to him (See Exhibit I)
- Captain Melendez Refuse to give me my desire shift On October 2021(Morning Shift) "**But For**" my age and giving the morning shift to new younger female officer (22yrs old, Officer Sultana)In December 10,2021(See Exhibit C-10), when the morning shift on October 2021 have shortage officers(See Exhibit S-9), Captain Melendez said to me in October 2021 that he cannot put me in the morning shift because he has enough female officers to work in the morning but the facts the department do have shortage officers in October 2021(See Exhibit S-9) when I was mandated it to work in the morning in many occasions in October- November 2021 from 11:30 pm—0400 pm but from the facts my request to work in the morning was denied "but for" my age and the department had mandated me to work overtime in to cover the shortage officers in October 2021(See Exhibit S-9), mandate overtime proof the department need officers to

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work on morning shift but request denied "**But For**" my age and Captain Melendez give my shift preference new younger female officer 22 yrs old, Officer Sultana to work in the morning shift in December 10, 2021(**See Exhibit C-10**), recent graduate officer December 10, 2021.

- Officer Chapagain move to preference shift in October 2021 and assigned to patrolling post and rotating post assignment(**See Exhibit C-12 & See Exhibit C-13**)
- Officer Smith assigned to Central Command officer training in October 2021 and rotating post assignment(**See Exhibit C-13**)
- Officer Gutierrez New younger Officer who graduated with me was promoted to ER FLEX Officer(**Exhibit C-11, Exhibit C-17**)
- I was excluded to be part of Hospital Police Team as per EEOC position statement stated "Her lack assistance during emergency call will result injury to herself or staff members".
- Discrepancies on my negative working performance(**See Exhibit Q, Page 2-4 Or , See Exhibit L**)& RESPONDENT POSITION STATEMENT
 - Discrepancies on my write-ups(**See Exhibit K**) and(**Exhibit C-13**), **I was off on September 12, 2021**
 - False accusation of negative performance when I lost my police jacket during undue hardship but the department stated that I lose my jacket when I was doing my patrol and I was refuse to see the surveillance camera footage but Officer Robinson allowed to see the camera(**See Exhibit A-1**)
 - My negative working performance stated I was fail on some work performance on patrolling post duties but I did not assigned to the patrolling post on these dates but according to my police memo books I did not assigned to patrolling post on these dates(**See Exhibit M, EXHIBIT N, EXHIBIT O, EXHIBIT P**) **My police memo books indicated that I work on Post 4 and post 2B on these dates not assigned to any patrolling post**
 - (**SEE EXHIBIT S-7**)As Per respondent position statement I was assigned to post 4 Main lobby because I am new officer but I am not new officer in the department(**See Exhibit C-15, My graduation Date, July 23,2021**) and **See Exhibit C-10, New Younger who recently Graduated, December 10, 2021 Lower Seniority than me**) was assigned to my desired shift (Morning Shift, should be assigned on midnight shift post 4 main lobby)
- Put me on the Graveyard shifts and give morning to new younger Officer, 22yrs old Officer Sultana to work on my preference shift

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- My training was differ with the new younger officers(My training was pause and Sgt Rodriguez and Detective king assigned me to post 4 main lobby which giving me the difficult accommodation for bathroom and to pray and my training in patrolling post was pause (did not finish) and the younger new officers(Chapagain) already given the opportunity to choose their preference shifts In October 2021(**See Exhibit C-12 AND Exhibit C-13**) , Rotating Job assignment in Patrolling post
- I never have rotating job assignment to work at patrolling post(**See Exhibit T**). Indicated never assigned to work on patrolling post
- Put me permanently in restricted post 4 main lobby with struggle accommodation for pray and bathroom accommodation which supposed to assigned to new recent HP police Graduate(**See Exhibit C-10**) "But for""My age" is the adverse in the department
- Accusing poor performance of not checking the Employee ID from Sgt Desantes statement On respondent position statement(**See Exhibit T**), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID on my police memo book(**See Exhibit T** , Page 66 @1541 and Page 131-132 @0332 am).
- Respondent Position statement stated on (**See Exhibit M-65**), page 25 of 26 indicated the "Section 9"Captain Melendez log-in &Angela Login were erase and only Sgt Rosado login Compare with (**See Exhibit M-66**) "Section 9", Page 23 of 25 which indicated the file was created by Captain Melendez desk in October 2021 after I sent my covid card to Captain Melendez on September 24 2021(**See Exhibit I**) the filed was indicated created during day time by captain melendez and Angella Mullett and Sgt Rosado work at midnight

<ul style="list-style-type: none"> • M-65(POSITION STATEMENT 	<ul style="list-style-type: none"> • M-66(ORIGINAL STATEMENT)
<ul style="list-style-type: none"> • SECTION 9 (PAGE 25 OF 26) CAPTAIN MELENDEZ & ANGELA MULLETT LOGIN ERASE, ONLY SGT ROSADO LOG-IN 	<ul style="list-style-type: none"> • SECTION 9(PAGE 23 OF 25)INDICATED THE CAPTAIN MELENDEZ LOG-IN &ANGELA MULLETT LOG-IN & Sgt Rosado invalid Log-in because Sgt Rosado work at midnight shift
<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION (PAGE 2-22) ADDED "LAST MODIFIED"by SGT ROSADO LOG-IN & different time 	<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION LOG-IN WITHOUT SGT ROSADO LOG-IN THE SYSTEM INDICATED "CREATED BY PROFILE"(SEE PAGE 2-22) & FIXED DATED & TIME

Sexes Discrimination Based on Woman

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(See Exhibit X) My rights as woman to be pregnant become the contingency of the Employment whether should be hired or terminated from the job such as intention to be pregnant become the contingency of the employment when I was told by DR. Willby I cannot get pregnant within 3 months and must sign the consent if I am pregnant the MMR vaccine will harm my fetus or unborn babies or will not get the job. I told Dr. Willby I have intention to be pregnant and she did not giving me any form to waive the requirement as per respondent position statement said I can be waive by filling the form but DR. willby did not give any form to filled out. I told her already have one MMR vaccine from Baruch college but she said I need 2 MMR vaccine in order to be hired.

Also physical force instruction to tightened the belt during police academy while I was pregnant or I will be discharge from HP police academy when Captain Padilla said to me **"IF YOU BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"** going upstairs meaning will preparing paperwork of discharge from academy. The incident happened after I was submit the doctors which have contain of pregnant woman holding the belly and the heading note stated **"HEALTH CARE FOR WOMEN OB GYN"**.

Exhibit A-3 indicated that the MMR vaccine can be hold until March 2022 why Dr. Willby did not let me to waive the MMR vaccine in order to accommodate my intention to be pregnant in the first place in March 22, 2021 because I told Willby that I already have one MMR vaccine from Baruch college(**See Exhibit C-6**). **Exhibit B-1 ,Exhibit C-1, C-2,C-3,C-4,C-5**)indicated of the MMR vaccine did not mandated for every new hired (Mahmuda Hospital Care Investigator List :586, said she was not required to take the MMR vaccine in order to pass the terms and conditions of employment in order to be hired for Hospital Care Investigator List #586.

Dr Willby said I cannot get pregnant within 3 months (MMR Vaccine) in order to be hired at NYC Health+Hospitals.

Captain Padilla said **"IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"**, taking upstairs meaning preparing of dismissal paperwork of employment, during Hospital police academy I am the only who force to tightened the belt because Captain Padilla have acknowledge of my pregnancy from the doctor note which I was submitted regarding my June 25, 2021, My GYN doctor's visit which the note contain the heading picture of pregnant woman holding the belly and the heading stated that **"HEALTH CARE FOR WOMEN OB GYN"**. I become the target because of my pregnancy. Captain Padila instructed Detective Lay to tightened my belt and She took me to the bathroom and tightened the belt against my will. Captain Padilla instructed all the Hospital Police candidate "every one go back to classroom except Recruit

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Febrianti" and .I believe Tightening the belt is Illegal for woman because woman might be pregnant or bearing the child.

My rights as woman violated when I was told by Dr. Willby that I have to hold pregnancy within 3 months in order to be hired at NYC Health+ Hospitals because I must to take 2 MMR vaccine and I have to sign the paper of consent if I am pregnant the MMR Vaccine will harm the baby. I told Dr. Willby that I had intention to be pregnant. Also, I told Dr. Willby that I already took the MMR vaccine during my admission at Baruch College.

Tightened the belt is the part of company policy as respondent said but I am the only one who were asked to tighten the belt when Captain Padilla said "everybody back to classroom except recruit Febrianti" because Captain Padilla aware of my pregnancy. My condition as woman become the contingency in order to be hired and Discharge from the job during police academy when Captain Padilla I strongly believed have acknowledged of my pregnancy from the note which I was submitted have the picture of heading of woman heading the belly and the heading state "Health Care for Woman OB GYN"

Retaliation: Refuse to Hired as Hospital Care Investigator List: 604(See Exhibit L-2)

See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5) ,(EXHIBIT S) of this position DID NOT DELIVERED TO ME in the mail) AS PART OF MAHMUDA STATEMENT, I met the lady at at OHS 6th floor while I was attempted to go to OHS in March 4, 2024 as per Captain Laboy command to go to OHS (Employee Health). Her name is Mahmuda and her list #586. She told me she was there at OHS in order for onboarding process for Physical examination for Hospital Care Investigator(List ; 586) and she was showing me her(**Exhibit S, Onboarding process)which she RECEIVED through mail which contain her , address and her list# and the address for onboarding process will be held which it almost the same with my special officers job offer I was received in the mail.**

The respondent refuse to hired me as hospital investigator list:604 because of my protected activity of filling the internal religious complaint to Hospital police department(**See Exhibit A, Exhibit B, Exhibit E, Exhibit F**) and protected activity of having Discrimination lawsuit against former Employer in Federal Court(SDNY) in 2015(**See Exhibit R**).

This time frame is the same time I supposed to received letter in the mail regarding this position. I never received anything in the mail, email or phone call about this position I believed the respondent refuse to hired me because of protected activity of filling internal religious complaint at NYC Health+Hospitals (**See Exhibit A, Exhibit B, Exhibit N-2, Exhibit F**)and retaliation of my filling the complaint of discrimination of my former employer while during psychological interview question(See **Exhibit R**) I was asked "Do you have any court proceeding" and my answer was yes I had discrimination against my former employer in federal court in 2015.

See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5)I met the lady on April 4, 2022, Her name is Mahmuda. She said on her text messages during onboarding process she did not

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asked to take MMR vaccine by the respondent that she was hired As Hospital Investigator and she said she received letter in the mail of her list number was up for onboarding process for the city jobs as Hospital Care investigator and she added she received email and phone too. The lady also show me her(**Exhibit S**) of her Onboarding employment process she received the letter in the mail and email and the phone and almost the same like the form when I received for special officers civil service notification in the mail .**See Exhibit S**

Sincerely Yours,



Erica Febrianti

RECEIVED

Religious Discrimination

According to supreme court law about religious freedom is Employer must accommodate the religious accommodation to Employee except the undue hardship must cost the "Substantial cost" to Employer.

Supreme Court cases Religious freedom

Groff v. DeJoy, 35 F. 4th 162, 166 (3d Cir. 2022). The case postal service **Groff v postal worker** is different case with my situation because in my situation there's no undue hardship at all but the disparate treatment because on April 7, 2022 the Hospital Police Department verbally mentioned to me they were not willing to accommodate my accommodation to pray on time anymore. Sgt Rosado said to me over the phone and he said "Sorry no more early prayer time for you anymore, Officer Wood said to me if I walked the post I get write-ups I will be relief late to pray from now-on.(See Exhibit A), on February 25, 2022 This statement contradiction with my first internal religious complaint email to Captain Melendez that I need to pray on time and I need to be relief before the prayer time so I can have enough time for ablution, bathroom relief and enough time to travel 12th floor mosque in order to pray on time. I provide the verse from the Qur'an that I must pray on time.

Constructive Discharge: On April 09,2022(See Exhibit L-3)

(See Exhibit N-2), (See Exhibit F) On April 7, 2022, Officer Wood(**Central Command officer**) said to me over the phone that Sgt Rodriguez told him to relieve me late to pray at 0513 am. He transfer the call to Sgt Rosado(**Field Supervisor**) and Sgt Rosado said to me over the phone "**Sorry No more earlier prayer time for you, and Sgt Rosado said Sgt Rodriguez(Tour 1 Commander) instructed all the central command officers and Field supervisors to relief me late to pray from now-on**".

April 8, 2022(waiting email from the hospital administration to the situation to response) no reply.

(See Exhibit L-3)April 9, 2022 come to work ready for the worst (nobody relief me to pray and I walked out the post and asked by Sgt Rodriguez that I need to choose between God or a Job) in order to work there I choose "God first" I give my police Equipment such as Keys, ID, Radio, Etc

See Exhibit L-3, April 10, 2022 Notification of my constructive discharge to CEO Operation(Michelle Figueora) & Director of Operation (John Muniz). This 2 people are the highest person who run the hospital who were above my captain, Sergeant and Lieutenant in Hospital Police department. On the email I asked if my prayer time conflict with HP police operation. I received the answer of my question from NYC Health+Hospitals (See Exhibit L-4).

See Exhibit L-4 Termination letter indicated "please be advised you have not satisfactorily completed your probationary period, therefore your service as special officer in the HP department NYC health+Hospitals are hereby terminated effective close to business today, April 12, 2022

First Religious Internal Complaint On February 25,2022(See Exhibit A)

Prior this incident on February 25, 2022(See Exhibit A) I requested the accommodation to be relief early before the prayer time in order to pray on time due to I needed to do ablution, bathroom relief and go to the mosque at 12th floor(See Exhibit A) and provide the verse from Qur'an that I have to pray on time.

Surah Al ma'un Verse 3-7 " Woe for those who pray, who abandoned the prayer after the fixed time".

Second Religious Internal Complaint(March 27, 2022)(See Exhibit B)

My religious internal complaint against Detective King who refused the accommodation for me to pray and Captain Melendez told me verbally on March 28, 2022(See Exhibit G) that "**the department will not willing to accommodate the early prayer all the time**", and he said to me verbally some Muslims can pray until sunrise. It's haram(Forbidden) to pray during sunrise. There was no undue hardship on my second religious internal complaint because When Detective King refuse my prayer accommodation, she transfer to to Sgt Rosado and Sgt Rosado said why I did not called the desk to relief my prayer meaning no undue hardship and my post safe and clear too(See Exhibit B).

My second religious complaint late reply after 24 hours period (Compare Exhibit B and Exhibit C) time frame between 36 hours difference)Supreme Court Cases on Religious Freedom

EEOC v. Abercrombie & Fitch Stores, Inc., 575 U.S. 768 (2015): Samantha Elauf refused to hire due to "the look Policy" of her headscarf but the Abercrombie aware and acknowledge she wear it for her religious purposes.

(See Exhibit C-16)Same thing with my situation when the Special Officer policy that I must followed the instruction of HP operation that I am not supposed to leave the post and followed instruction of the above Position but Sgt Rodriguez aware I will be walking out the post in order to pray when during my discharge he asked me the questions " **Why you leave your post**" I replied " **I have to pray**" and Sgt Rodriguez said "**this job is not for you**", "**you have to choose God or a job**" I told Sgt Rodriguez I choose God first and I gave him my radio, keys, Shield, etc and there was no undue hardship on 04/09/2022 the department busy to discharge me between 0458 am -0530 am (See Exhibit L-3),(See Exhibit L-5)when 5 unnecessary officers at Central Command offices doing

nothing duration 0458am -0530 am (See Exhibit F, Paragraph 9) when I emphasize on my email to Hospital administration that:

Allah commands to pray come first and HP command not to abandoned the post come second

The verse in Qur'an when it's time to pray do not listen other instruction except Allah instruction to pray, Prophet of Allah said (See Exhibit Hadith) of the important of prayer on time .

Qur'an verse on Surah Al mu'minun (the Believer) Verse 34-40 ;

And if you ever obey human like yourself you will be losers. Does he promise you that once you are dead and reduced to dust and bones, you will be brought forth "alive"?Impossible, simply impossible is what you are promised! There is nothing beyond our worldly life. We die, others are born, and none will be resurrected. He is no more than a man who has fabricated a lie about Allah, and we will never believe in him."

Verbal Statement refusal of my prayer accommodation from Hospital Police Administration

"**This job not for you**" mentioned twice by Captain Melendez and Sgt Rodriguez but Captain Melendez mentioned it first on March 28, 2022 (See Exhibit G) when I confronted him and asked him if he received my internal complaints email (See Exhibit B)and Captain Melendez said yes but he said the department will not accommodate my prayer time all the time and he did mentioned about "**this job not for you**" and Captain Melendez also said "**I know some Muslims can pray until sunrise**" which forbids in my religion to pray at sunrise.

"**This job not for you**" mentioned by Sgt Rodriguez during too my discharge on April 09, 2022 but Sgt Rodriguez added "**you have to choose God or A job**" and I said "**I choose Allah first**" I gave him my keys, my badge, Shield, Etc.

(See Exhibit L-3), (See Exhibit L-5)Prior this statement Sgt Rodriguez asked me which leading me to my constructive discharge "**why you leave your post**" I said "**I Have to pray**" and Sgt Rodriguez replied to me "**This job is not for you, "you have to choose God or a job"**. I told him I choose "**God First**". I gave him my Keys, ID. Sgt Rodriguez said he did not fired me he just wanted to write-me ups for walking out the post but I have to clock out at 5 am that day comeback tomorrow if I will choose job first and I told Sgt Rodriguez that "**today and tomorrow are the same I will choose "Allah first"**" I was discharge that day because of my religious belief.

Approximately on March 30, 2022 -April 2, 2022 Verbal statement from Sgt Rodriguez while Detective King on the leave not sure if she was on her vacation leave or because of my internal religious complaint leave against her. Sgt Rodriguez came to my post and Sgt Rodriguez said " **That's why I give you post 2b so you can pray**" from this statement we know the acknowledgement from TOUR 1 commander (Sgt Rodriguez) of the October 2021 incident will happened again that I will get written-up for abandoned the post in order to pray.(See Exhibit D-5) when Captain Melendez describe "**post abandonment months ago by your directs supervisors**" this statement is not true because my direct supervisors never write-me up for post abandonment but I received the negative working environment signed by direct supervisors (Sgt Rosado & Captain Laboy)(see Exhibit Q) but the audit log in computer history describe the negative performance created by captain Melendez(See Exhibit Q, page 34) after I submit the covid card which contain my age and my birthday on September 24, 2021(See Exhibit I). Supervisors never write-me ups for post abandonment and but the truth is Captain Melendez who write- me ups for leave my post because no body relief me when I need to relieved bathroom urges and needed to pray in October 2021 . Prior this incident Sgt Rodriguez said to me verbally he doesn't have enough people to relieved me to pray at midnight shift and Sgt Blount said I cannot go to the bathroom and she need the doctors note if I will be going to the bathroom every morning but at the time I cannot provide the doctors note because the doctors said going to the bathroom every morning not considered sign of sickness.

On April 9, 2022 On the day I was discharge Officer Chapagain came to my post asked he heard from the department that I will sue the company (Exhibit G)which I believed he referring to email statement sent to Captain Melendez when I need his statement in writing when he said to me the department will not accommodated to earlier prayer time all the time. Officer Chapagain asked me which organization did I filled the complaint from and I believed Sgt Rodriguez asked Officer Chapagain to asked this question because the department will premeditated undue hardship incident to discharged me. On the same day Sgt Rodriguez and Captain Laboy on April 8, 2022 at 11:50 pm after roll call briefing was asked me to log in to my employee account and around 12: 45 am - 0145 am Officer Chapagain came to post 4 main lobby stated that Sgt Rodriguez asked me to go upstairs when I went upstairs Captain Laboy and Sgt Rodriguez was there and they said they log out from my account by mistake and I login to my NYC health+hospitals account on the same time Sgt Rodriguez giving me the statement that my second vacation was approved (See Exhibit B-4 & See Exhibit B-5).

ADA DISCRIMINATION(SEE EXHIBIT Z-98, EXHIBIT Z-103, EXHIBIT Z-104)

My accommodation to pray struggling to be accommodated has caused me not given the opportunity to request accommodation under ADA due to my prediabetic condition (December 12, 2021- April 09, 2022). I went to the doctor for medical check-ups and the doctor said I have pre-diabetic condition but at the time I was place in post 2B where this post no need relief for bathroom and prayer until in the end of January 2022 I was asked to removed to post 4 main lobby by Detective King (central command officer) and a few weeks later Sgt Rodriguez said to me they eliminate post 2B from midnight shift but I found out they still have this post 2B but it was assigned to another officers. Since I had been place in post 4 main lobby permanently I got encountered with

Detective King (See Exhibit B) and prior this incident I filled the first religious internal complain(See Exhibit A) and the second internal complaint(See Exhibit B), See Exhibit N-2 and See Exhibit F until leading to my constructive discharge (See Exhibit L-3) and (See Exhibit L-4)

My accommodation to pray on time was struggling to be accommodated made me not able to request the bathroom under "ADA" when I was disclosed my health situation of Prediabetic situation during EEO interview was conducted on April 13, 2022(See Exhibit V) when I said to Steven Strauss(EEO Officer) "I don't want to blame NYC Health+hospitals for having pre-diabetic condition" and he asked me to filled the bathroom accommodation and discrimination form I did not filled out the form because I already discharge on April 12, 2022(See Exhibit L4). Also Steven Strauss did not let me to finish my sentence when He said "and" .. "and"... when I said " I leave my post without undue hardship of the employer" he did not let me finish the sentence and he shh... me he said "st..SST.. he did not let me to finish my sentence. he said he will called me back but he seems have conflict interest with NYC health+hospitals. He asked to filled the bathroom accommodation form and discrimination form but I did not returned the form back and I filled the EEOC complaint instead that day on April 13, 2022 at 3 pm (See Exhibit L-5), (See Exhibit Y). He did not giving me the opportunity to speak and he limited to say "Yes or NO" question and I do not give the opportunity to speak under free will like EEOC complaint. I don't think if he will investigate himself by eliminate the point I would like to say.

Refusal of Bathroom accommodation and needed the doctors note in order to be accommodated for bathroom

In October 2021 Sgt Blount and Captain Melendez said "*you need the doctor note if you will be going to the bathroom every morning*" but in October 2021 I did not diagnosed for Prediabetic condition yet and the Doctor asked me if I feel normal going to the bathroom every morning and I said yes and he told me going the bath room every morning is not signed of sickness. The doctor said he went to the bathroom every morning too.

1. AGE DISCRIMINATION

The "**But For**" of my age the respondent had giving more favorable working condition to the new younger officer(Officer Smith, Chapagain, McLaughlin, Gutierrez) who were graduated from HP police academy on July 23, 2021(See Exhibit C-15) the same date as my graduation. I am assigned to Midnight shift on August 9, 2021 with Officer Smith and CHapagain (See Exhibit C-14) and Officer Gutierrez and Officer McLaughlin stay in the morning shift(See Exhibit C-14). I encountered with Detective King who I was told by field supervisors that Detective king, senior trainer will train the new officers at midnight shift. On the first day Detective king was very nice towards me until a few days later During Locker room conversation with Detective king I was reveal my age range when she said to me that she was 44 year old and have 4 grandkids and I said "me too" I am on that age range but I don't have kids. The next day she acting different towards me but I did not see any significant change on the HP operation because at the time she just regular officers but she did not trained me well I believed because of my age and many time I did not train properly by Detective king because she diminished the step on the post 8 training (See Exhibit C-19) @0315 when she skipped to trained me on the central command officer operation training(Must relief central ops for lunch and break) because when she relief the central command officer Detective King asked me to sit on ER and also I did not finish the training post 10 patrolling post training. The condition in HP department change when Detective King was assigned to replace Officer Philip and Detective King said I need permission from field supervisors and tour commander in order to pray and I must request the night before and must be request during rollcall in order to pray and since then the Department started put me on Post 4 main lobby most of the time and On the same time Captain Melendez asked me to submit the covid card which contain my age and birthday (See Exhibit I) since then Department put me on post 4 main lobby with struggle to pray and bathroom accommodation(See Exhibit D-5), "post abandonment write- ups by Captain Melendez because the struggling to be accommodated for bathroom and pray. The new younger officer (Smith, Chapagain) already assigned to patrolling post and Officer Smith was assigned to operate Central command officer and Officer Chapagain already granted to choose his preference shift in October 2021(See Exhibit C-12 and See Exhibit C-13) I did not assigned to patrolling post and followed-up with the training and assigned to patrolling post the next day to patrolling post because my patrolling post training was not done. Officer Chapagain and Officer Smith were receiving full training for some reason my training was differ that the other new younger officers.

My adverse "But for" cause by my age the respondent giving me negative poor performance (See Exhibit Q)(Discrepancies on the Negative Working Performance(See Exhibit L, Exhibit M, Exhibit N, Exhibit O, Exhibit P)

- Captain Melendez request to submit my covid card which contain my age and birthday to to him and as per respondent position statement stated that I do not need to submit my covid card to Captain Melendez but Captain Melendez asked to submit the card to him (See Exhibit I)
- Captain Melendez Refuse to give me my desire shift On October 2021(Morning Shift) "**But For**" my age and giving the morning shift to new younger female officer (22yrs old, Officer Sultana)In December 10,2021(See Exhibit C-10), when the morning shift on October 2021 have shortage officers(See Exhibit S-9), Captain Melendez said to me in October 2021 that he cannot put me in the morning shift because he has enough female officers to work in the morning but the facts the department do have shortage officers in October 2021(See Exhibit S-9) when I was mandated it to work in the morning in many occasions in October- November 2021 from 11:30 pm—0400 pm but from the facts my request to work in the morning was denied "but for" my age and the department had mandated me to work overtime in to cover the shortage officers in October 2021(See Exhibit S-9), mandate overtime proof the department need officers to work on morning shift but request denied "**But For**" my age and Captain Melendez give my shift preference new younger female officer 22 yrs old, Officer Sultana to work in the morning shift in December 10, 2021(See Exhibit C-10), recent graduate officer December 10, 2021.
- Officer Chapagain move to preference shift in October 2021 and assigned to patrolling post and rotating post assignment(See Exhibit C-12 & See Exhibit C-13)

- Officer Smith assigned to Central Command officer training in October 2021 and rotating post assignment(**See Exhibit C-13**)
- Officer Gutierrez New younger Officer who graduated with me was promoted to ER FLEX Officer(**Exhibit C-11, Exhibit C-17**)
- I was excluded to be part of Hospital Police Team as per EEOC position statement stated "Her lack assistance during emergency call will result injury to herself or staff members".
- Discrepancies on my negative working performance(**See Exhibit Q, Page 2-4 Or , See Exhibit L**)& RESPONDENT POSITION STATEMENT
 - Discrepancies on my write-ups(**See Exhibit K**) and(**Exhibit C-13**), **I was off on September 12, 2021**
 - False accusation of negative performance when I lost my police jacket during undue hardship but the department stated that I lose my jacket when I was doing my patrol and I was refuse to see the surveillance camera footage but Officer Robinson allowed to see the camera(**See Exhibit A-1**)
 - My negative working performance stated I was fail on some work performance on patrolling post duties but I did not assigned to the patrolling post on these dates but according to my police memo books I did not assigned to patrolling post on these dates(**See Exhibit M, EXHIBIT N, EXHIBIT O, EXHIBIT P**) **My police memo books indicated that I work on Post 4 and post 2B on these dates not assigned to any patrolling post**
 - (**SEE EXHIBIT S-7**)As Per respondent position statement I was assigned to post 4 Main lobby because I am new officer but I am not new officer in the department(**See Exhibit C-15, My graduation Date, July 23,2021**) and **See Exhibit C-10, New Younger who recently Graduated, December 10, 2021 Lower Seniority than me)** was assigned to my desired shift (Morning Shift, should be assigned on midnight shift post 4 main lobby)
- Put me on the Graveyard shifts and give morning to new younger Officer, 22yrs old Officer Sultana to work on my preference shift
- My training was differ with the new younger officers(My training was pause and Sgt Rodriguez and Detective king assigned me to post 4 main lobby which giving me the difficult accommodation for bathroom and to pray and my training in patrolling post was pause (did not finish) and the younger new officers(Chapagain) already given the opportunity to choose their preference shifts In October 2021(**See Exhibit C-12 AND Exhibit C-13**) , Rotating Job assignment in Patrolling post
- I never have rotating job assignment to work at patrolling post(**See Exhibit T**), Indicated never assigned to work on patrolling post
- Put me permanently in restricted post 4 main lobby with struggle accommodation for pray and bathroom accommodation which supposed to assigned to new recent HP police Graduate(**See Exhibit C-10**) "But for""My age" is the adverse in the department
- Accusing poor performance of not checking the Employee ID from Sgt Desantes statement On respondent position statement(**See Exhibit T**), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID on my police memo book(**See Exhibit T, Page 66 @1541 and Page 131-132 @0332 am**).
- Respondent Position statement stated on (**See Exhibit M-65**), page 25 of 26 indicated the "**Section 9**"Captain Melendez log-in &Angela Login were erase and only Sgt Rosado login Compare with (**See Exhibit M-66**) "**Section 9**", Page 23 of 25 which indicated the file was created by Captain Melendez desk in October 2021 after I sent my covid card to Captain Melendez on September 24 2021(**See Exhibit I**) the filed was indicated created during day time by captain melendez and Angella Mullett and Sgt Rosado work at midnight

<ul style="list-style-type: none"> • M-65(POSITION STATEMENT • SECTION 9 (PAGE 25 OF 26) CAPTAIN MELENDEZ & ANGELA MULLETT LOGIN ERASE, ONLY SGT ROSADO LOG-IN 	<ul style="list-style-type: none"> • M-66(ORIGINAL STATEMENT) • SECTION 9(PAGE 23 OF 25)INDICATED THE CAPTAIN MELENDEZ LOG-IN &ANGELA MULLETT LOG-IN & Sgt Rosado Invalid Log-in because Sgt Rosado work at midnight shift
<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION (PAGE 2-22) ADDED "LAST MODIFIED"by SGT ROSADO LOG-IN & different time 	<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION LOG-IN WITHOUT SGT ROSADO LOG-IN THE SYSTEM INDICATED "CREATED BY PROFILE"(SEE PAGE 2-22) & FIXED DATED & TIME

Sexes Discrimination Based on Woman

(**See Exhibit X**)My rights as woman to be pregnant become the contingency of the Employment whether should be hired or terminated from the job such as intention to be pregnant become the contingency of the employment when I was told by DR. Willby I cannot get pregnant within 3 months and must sign the consent if I am pregnant the MMR vaccine will harm my fetus or unborn babies or will not get the job. I told Dr. Willby I have intention to be pregnant and she did not

giving me any form to waive the requirement as per respondent position statement said I can be waive by filling the form but DR. willby did not give any form to filled out. I told her already have one MMR vaccine from Baruch college but she said I need 2 MMR vaccine in order to be hired.

Also physical force instruction to tightened the belt during police academy while I was pregnant or I will be discharge from HP police academy when Captain Padilla said to me **"IF YOU BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"** going upstairs meaning will preparing paperwork of discharge from academy. The incident happened after I was submit the doctors which have contain of pregnant woman holding the belly and the heading note stated **"HEALTH CARE FOR WOMEN OB GYN"**.

Exhibit A-3 indicated that the MMR vaccine can be hold until March 2022 why Dr. Willby did not let me to waive the MMR vaccine in order to accommodate my intention to be pregnant in the first place in March 22, 2021 because I told Willby that I already have one MMR vaccine from Baruch college(**See Exhibit C-6**).

Exhibit B-1, Exhibit C-1, C-2, C-3, C-4, C-5 indicated of the MMR vaccine did not mandated for every new hired (Mahmuda Hospital Care Investigator List :586, said she was not required to take the MMR vaccine in order to pass the terms and conditions of employment in order to be hired for Hospital Care Investigator List #586.

Dr Willby said I cannot get pregnant within 3 months (MMR Vaccine) in order to be hired at NYC Health+Hospitals. Captain Padilla said **"IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"**, taking upstairs meaning preparing of dismissal paperwork of employment, during Hospital police academy I am the only who force to tightened the belt because Captain Padilla have acknowledge of my pregnancy from the doctor note which I was submitted regarding my June 25, 2021. My GYN doctor's visit which the note contain the heading picture of pregnant woman holding the belly and the heading stated that **"HEALTH CARE FOR WOMEN OB GYN"**. I become the target because of my pregnancy. Captain Padilla instructed Detective Lay to tightened my belt and She took me to the bathroom and tightened the belt against my will. Captain Padilla instructed all the Hospital Police candidate "every one go back to classroom except Recruit Febrianti" and .I believe Tightening the belt is Illegal for woman because woman might be pregnant or bearing the child.

My rights as woman violated when I was told by Dr. Willby that I have to hold pregnancy within 3 months in order to be hired at NYC Health+ Hospitals because I must to take 2 MMR vaccine and I have to sign the paper of consent if I am pregnant the MMR Vaccine will harm the baby. I told Dr. Willby that I had intention to be pregnant. Also, I told Dr. Willby that I already took the MMR vaccine during my admission at Baruch College.

Tightened the belt is the part of company policy as respondent said but I am the only one who were asked to tighten the belt when Captain Padilla said "everybody back to classroom except recruit Febrianti" because Captain Padilla aware of my pregnancy. My condition as woman become the contingency in order to be hired and Discharge from the job during police academy when Captain Padilla I strongly believed have acknowledged of my pregnancy from the note which I was submitted have the picture of heading of woman heading the belly and the heading state **"Health Care for Woman OB GYN"**

Retaliation: Refuse to Hired as Hospital Care Investigator List: 604(See Exhibit L-2)

See Exhibit B-1, Exhibit C-1, C-2, C-3, C-4, C-5, (EXHIBIT S) of this position DID NOT DELIVERED TO ME in the mail AS PART OF MAHMUDA STATEMENT, I met the lady at OHS 6th floor while I was attempted to go to OHS in March 4, 2024 as per Captain Laboy command to go to OHS (Employee Health). Her name is Mahmuda and her list #586. She told me she was there at OHS in order for onboarding process for Physical examination for Hospital Care Investigator(List ; 586) and she was showing me her(**Exhibit S, Onboarding process**)which she RECEIVED through mail which contain her , address and her list# and the address for onboarding process will be held which it almost the same with my special officers job offer I was received in the mail.

The respondent refuse to hired me as hospital investigator list:604 because of my protected activity of filling the internal religious complaint to Hospital police department(**See Exhibit A, Exhibit B, Exhibit E, Exhibit F**) and protected activity of having Discrimination lawsuit against former Employer in Federal Court(SDNY) in 2015(**See Exhibit R**).

This time frame is the same time I supposed to received letter in the mail regarding this position. I never received anything in the mail, email or phone call about this position I believed the respondent refuse to hired me because of protected activity of filling internal religious complaint at NYC Health+Hospitals (**See Exhibit A, Exhibit B, Exhibit N-2, Exhibit F**)and retaliation of my filling the complaint of discrimination of my former employer while during psychological interview question(See **Exhibit R**) I was asked "Do you have any court proceeding" and my answer was yes I had discrimination against my former employer in federal court in 2015.

See Exhibit B-1, Exhibit C-1, C-2, C-3, C-4, C-5 I met the lady on April 4, 2022, Her name is Mahmuda. She said on her text messages during onboarding process she did not asked to take MMR vaccine by the respondent that she was hired As Hospital Investigator and she said she received letter in the mail of her list number was up for onboarding process for the city jobs as Hospital Care investigator and she added she received email and phone too. The lady also show me her(**Exhibit S**) of her Onboarding employment process she received the letter in the mail and email and the phone and almost the same like the form when I received for special officers civil service notification in the mail .**See Exhibit S**

2022

ADA DISCRIMINATION(SEE EXHIBIT Z-98, EXHIBIT Z-103, EXHIBIT Z-104)My accommodation to pray struggling to be accommodated has caused me not given the opportunity to request accommodation under ADA due to my prediabetic condition (December 12, 2021- April 09, 2022). I went to the doctor for medical check-ups and the doctor said I have pre-diabetic condition but at the time I was place in post 2B where this post no need relief for bathroom and prayer until in the end of January 2022 I was asked to removed to post 4 main lobby by Detective King (central command officer) and a few weeks later Sgt Rodriguez said to me they eliminate post 2B from midnight shift but I found out they still have this post 2B but it was assigned to another officers. Since I had been place in post 4 main lobby permanently I got encountered with Detective King (**See Exhibit B**)and prior this incident I filled the first religious internal complain(**See Exhibit A**) and the second internal complaint(**See Exhibit B**), **See Exhibit N-2** and **See Exhibit F** until leading to my constructive discharge (**See Exhibit L-3**) and (**See Exhibit L-4**)My accommodation to pray on time was struggling to be accommodated made me not able to request the bathroom under "ADA" when I was disclosed my health situation of Prediabetic situation during EEO interview was conducted on April 13, 2022(**See Exhibit V**) when I said to Steven Strauss(EEO Officer) "I don't want to blame NYC Health+hospitals for having pre-diabetic condition" and he asked me to filled the bathroom accommodation and discrimination form I did not filled out the form because I already discharge on April 12, 2022(**See Exhibit L4**). Also Steven Strauss did not let me to finish my sentence when He said "and" .. "and"... when I said " I leave my post without undue hardship of the employer" he did not let me finish the sentence and he shh... me he said "st..SST.. he did not let me to finish my sentence. he said he will called me back but he seems have conflict interest with NYC health+hospitals. He asked to filled the bathroom accommodation form and discrimination form but I did not returned the form back and I filled the EEOC complaint instead that day on April 13, 2022 at 3 pm (**See Exhibit L-5**), (**See Exhibit Y**). He did not giving me the opportunity to speak and he limited to say "Yes or NO" question and I do not give the opportunity to speak under free will like EEOC complaint. I don't think if he will investigate himself by eliminate the point I would like to say.

Refusal of Bathroom accommodation and needed the doctors note in order to be accommodated for bathroom

In October 2021 Sgt Blount and Captain Melendez said "***you need the doctor note if you will be going to the bathroom every morning***" but in October 2021 I did not diagnosed for Prediabetic condition yet and the Doctor asked me if I feel normal going to the bathroom every morning and I said yes and he told me going the bath room every morning is not signed of sickness. The doctor said he went to the bathroom every morning too.

RETALIATION REFUSE TO HIRE DUE TO MY PROTECTED ACTIVITY(See Exhibit L-2)The respondent refused to hired me as Hospital Care

Investigator List: 604 because of my protected activity. I filled the religious internal complaint to Captain Melendez regarding Sgt Rodriguez(Tour 1 Commander)on February 25, 2022(**See Exhibit A**) and Detective King on March 27,2022(**See Exhibit B**), March 29, 2022(**See Exhibit C**), March 28, 2022(**See Exhibit G**), April 07, 2022(See **Exhibit N-2**), April 07, 2022(**See Exhibit F**). This time frame also the same time I supposed received the letter in mail or email regarding this position. I do not received anything in mail or email regarding this position.Also during the psychological virtual interview(**Exhibit R**) I was asked questions "Do you have any court proceedings" and I said yes I had discrimination lawsuit with my former employer in 2015. I disclosed my discrimination lawsuit against my former employer in court. THE RESPONDENT USE THE SAME TACTIC of DISCHARGE from MY PREVIOUS LAWSUIT IN 2016 AGAINST STARWOOD WORLDWIDE BECAUSE I WAS CONSTRUCTIVE DISCHARGE FIRST ON JUNE 19,2015 WHEN UNION DELEGATED WHO REPRESENT THE COWORKERS AND DEFENDANTS WERE STAY TOGETHER TO DISCHARGE ME(2016 case Docket #24 OF 15CV 635) SENT LETTER TO JUDGE FURMAN ON JUNE 19, 2015 AND TERMINATED LETTER SENT BY STARWOOD WORLDWIDE BY CERTIFIED MAIL ON JUNE 30, 2015 BUT REGARDLESS I WAS TERMINATED IN JUNE 30, 2015 OR NOT I WILL NEVER WILLING TO COMEBACK TO CONDUCTED INVESTIGATION WITH STARWOOD WORLDWIDE BECAUSE OF DISCRIMINATORY INVESTIGATION ON MY INTERNAL COMPLAINT OF HOSTILITY WORKING ENVIRONMENT COMPLAINT IN MARCH 2014 WHEN I WAS ACCUSED FOR BREACH COMPANY POLICY OF "SOLICITATION" regarding the incident February 28, 2014 unfairly to describe what happened. During psychological interview (**See Exhibit R**) I exposed all my discrimination discharge and I explained about my confusion about starwood worldwide employment so complicated and not sure whether I was fired or quit the job because the labor board said I quit the job but I did not quit I was discharge and my keys was taking away from my possession and I was force to leave the premises with my working shoes.The interviewer on psychological interview online interview did apologize about what happened to me not sure Is he apologize of all of my discrimination discharge on employment history or I lose my jobs when I took FMLA to visit my DAD who got stroke have 6 months to live.

STARWOOD WORLDWIDE	NYC HEALTH+HOSPITALS
SUBJECT MATTER OF DISCHARGE;REFUSE THE INVESTIGATION on June 19, 2015 because of the DISCRIMINATORY INVESTIGATION ON HOSTILTY WORKING ENVIRONMENT COMPLAINT in March 2014 regarding incident ON FEBRUARY 28, 2014 (DID NOT ADDRESS PROPERLY DENIED BY THE DEFENDANTS AND ACCUSED ME OF BREACH COMPANY POLICY ON FEBRUARY 28, 2014 INCIDENT	SUBJECT MATTER OF DISCHARGE ; RELIGION MUST CHOOSE GOD OR A JOB. CHOOSE GOD FIRST : CONSTRUCTIVE DISCHARGE
JUNE 19, 2015, THE UNION DELEGATE WHO REPRESENT COWORKERS AND DEFENDANTS STAND TOGETHER TO DISCHARGE ME. I REFUSE THE INVESTIGATION DUE TO DISCRIMINATORY INTERNAL COMPLAINT INVESTIGATION in March 2014 on FEB 28, 2014 incident ACCUSED ME FOR BREACH OF SOLICITATION POLICY WHEN I AM NOT THE ONLY ONE DID THE SOLICITATION AND I AM THE ONLY ONE TO BLAME OF BREACH COMPANY POLICY BECAUSE I FILLED THE INTERNAL COMPLAINT OF MARIORA SFERA, THE	APRIL 09, 2022 THE UNDUE HARDSHIP CREATED WHEN THE OFFICERS STAND TOGETHER TO DISCHARGED ME BECAUSE OF RELIGIOUS INTERNAL COMPLAINT AGAINTS DETECTIVE KING

<p>SUBJECT RACE DHR COMPLAINT in 2008 DISCLOSE MY PROTECTED ACTIVITY WHEN SHE WAS DISCLOSED THE REASON SHE WAS BEING REMOVED FROM W UNION SQUARE TO W HOBOKEN RELATED TO DHR RACE COMPLAINT 2008 WHEN SHE SAID TO ME IN FRONT OF COWORKER ; I REMOVED FROM W UNION SQUARE, ARE YOU HAPPY NOW, HER STATEMENT COST ME HOSTILITY WORKING ENVIRONMENT FROM WHITE AND NON WHITE COWORKERS,</p> <p>AND MY HOSTILITY INTERNAL COMPLAINT DID NOT ADDRESS PROPERLY BY STARWOOD WORLDWIDE BECAUSE STARWOOD MORE EMPHASIZE OF DISCUSSING OF I BREACH COMPANY POLICY MORE EVEN THOUGH STARWOOD WORLDWIDE AWARE THAT MORE THAN 50 EMPLOYEES WHO ENGAGE WITH SOLICITATION TO HELP DARLYN MAYORGA FAMILY MEMBER WHO PASSED AWAY I AM THE ONLY ONE TO BLAME OF BREACH COMPANY POLICY SOLICITATION BECAUSE I FILLED THE INTERNAL COMPLAINT OF STARWOOD HAS DISCLOSURE OF DHR RACE COMPLAINT 2008 (MARIORA SFERA STATEMENT REMOVE TO W-HOBOKEN RELATED RACE DHR COMPLAINT IN 2008) TO COWORKERS AND CAUSE HOSTILITY WORKING ENVIRONMENT FROM WHITE AND NON WHITE COWORKERS</p>	
<p>REFUSE THE INVESTIGATION LEADING TO DISCHARGE BECAUSE THE DISCRIMINATORY INTERNAL COMPLAINT INVESTIGATION IN MARCH 2014 REGARDING INCIDENT ON FEBRUARY 28, 2014 WHEN I WAS FALSELY ACCUSED BY DEFENDANTS OF I BREACH COMPANY POLICY "SOLICITATION" BY STARWOOD WORLDWIDE AND MY INTERNAL COMPLAINT HOSTILITY WORKING ENVIRONMENT COMPLAINT DID NOT ADDRESS PROPERLY BY STARWOOD</p>	<p>REFUSE TO STAY ON THE JOB DUE I HAVE TO CHOOSE BETWEEN GOD OR A JOB I WAS DISCHARGE BECAUSE I CHOOSE GOD FIRST</p> <p>ON APRIL 10, 2022 CEO OPERATION SAID EEO OFFICER WILL CONTACTING ME BUT I GOT TERMINATED FIRST ON APRIL 12, 2022 AND THE EEO CONTACTING ME ON APRIL 13, 2022 AT 10:50 AM (SEE EXHIBIT V)AND 1100 HE CALLED ME ON THE PHONE BUT HE DID NOT LET ME FINISH MY SENTENCE WHEN HE SAID "AND", "AND ... WHEN I SAID " I LEAVE MY POST WITHOUT UNDUE HARDSHIP OF THE EMPLOYER" HE DID NOT LET ME FINISH MY SENTENCE. He SAID SHH ME "ST SSST..." HE SAID HE WILL CALLED ME BACK BUT I BELIEVED HE HAS</p>
<p>STARWOOD WORLDWIDE</p>	<p>NYC HEALTH+HOSPITALS</p>
<p>TERMINATION LETTER SENT STATED ON JUNE 30, 2015 TO COVER THE JUNE 19, 2015 THE JUDGE FURMAN STATEMENT I DID NOT COMEBACK TO WORK CAUSE ME TERMINATED ON JUNE 30, 2015 BUT I CANNOT COMEBACK TO WORK BECAUSE I ALREADY DISCHARGE ON JUNE 19, 2015 MY KEYS WAS TAKING AWAY FROM MY POSSESSION BECAUSE I REFUSE THE INVESTIGATION. BUT I REFUSE THE INVESTIGATION BECAUSE I WAS FALSELY ACCUSED OF BREACH COMPANY POLICY "SOLICITATION" ON MY INTERNAL COMPLAINT ON FEBRUARY 28, 2024 INCIDENT WHEN THE RESPONDENT FAILED TO RESPOND TO ADDRESS HOSTILITY WORKING ENVIRONMENT COMPLAINT AND KEEP ADDRESSING I WAS BREACH COMPANY POLICY SOLICITATION BECAUSE I FILLED THE HOSTILITY INTERNAL COMPLAINT.I CANNOT COMEBACK BECAUSE NO ACCESS TO MY KEYS BECAUSE I REFUSE THE INVESTIGATION BECAUSE THE DISCRIMINATORY INTERNAL HOSTILITY WORKING ENVIRONMENT INVESTIGATION NOT CONDUCTED IN A GOOD FAITH BECAUSE OF MY PROTECTED ACTIVITY.JUNE 30, 20 LETTER SAID MY EMPLOYMENT TERMINATED DUE TO THE COWORKERS DON'T FELL COMFORTABLE FOR ME TO WORK THERE AND I AM NOT ELIGIBLE FOR PENSION AND REHIRED TO ANY STARWOOD FAMILY CORP.THIS LETTER INDICATED THAT THE STARWOOD SHOULD LIABLE FOR IGNORING MY HOSTILITY</p>	<p>TERMINATION LETTER SENT ON APRIL 12, 2022 STATED MY EMPLOYMENT TERMINATED DUE TO I DID NOT PASS THE PROBATIONARY PERIOD BUT THE RESPONDENT DENIED THE RELIGIOUS DISCHARGE POSITION STATEMENT MENTIONED I WAS TERMINATED BECAUSE I DID NOT COMEBACK TO WORK BUT THE FACTS I WAS DISCHARGE FIRST GIVE MY BULLETPROFF VEST BECAUSE I WAS TOLD TO CHOOSE "GOD OR JOB(SEE EXHIBIT L-3)</p>

<p>WORKING ENVIRONMENT COMPLAINT.</p> <p>I AM NOT QUALIFIED FOR UNEMPLOYMENT BENEFIT BECAUSE I QUIT THE JOB AS PER STARWOOD STATEMENT TO LABOR BOARD BUT I DID NOT QUIT MY KEYS WAS TAKING AWAY WITHOUT MY CONSENT ON JUNE 19, 2015, I CANNOT COMEBACK UNTIL I CONDUCTED THE INVESTIGATION WITH THE RESPONDENT BUT I REFUSE THE INVESTIGATION BECAUSE I AM AFRAID OF I WAS FALSELY ACCUSED as per MY INTERNAL HOSTILITY WORKING ENVIRONMENT COMPLAINT IN MARCH 2014 INCIDENT ON FEBRUARY 28, 2014 THE RESPONDENT ACCUSE ME OF "SOLICITATION" POLICY AND denied of MY HOSTILITY WORKING ENVIRONMENT complaint and DID NOT ADDRESS MY INTERNAL HOSTILITY COMPLAINT PROPERLY AND MADE THE COWORKERS STAND TOGETHER WITH DEFENDANTS TO DISCHARGE ME BECAUSE I SUE ERNEST SEMEXANT, TATYANA GRITT, VINCENT JERPAHNIION BECAUSE THE TERMS & CONDITION OF MY WORKING ASSIGNMENT BASE ON COWORKER FAVORITISM(June 13, 2013) working assignment when tatyana Gritt said to me Dragana Sfera has prevented me to work according to my seniority and Tatyana Gritt let the coworkers to determine my working condition and run the offices and reduce my paychecks such as unpaid overtime and vacation due to coworkers disagreement when I already performed over time and the coworkers argue I should paid for regular wages.</p>	<p>QUALIFIED FOR UNEMPLOYMENT BENEFIT BECAUSE I KEPT THE EMAIL APPROVED OF CONSTRUCTIVE DISCHARGE because the respondent at NYC HEALTH+HOSPITALS HAS DENIED OF MY DISCHARGE FROM BUT THE EMAIL WAS DELETED BY RESPONDENT BUT I GOT THE COPY BECAUSE I PRINTED THE EMAIL ON APRIL 11, 2022 WHEN I HAVE TO APPLY UNEMPLOYMENT BENEFIT AND I SUBMITTED THE CONSTRUCTIVE DISCHARGE EMAIL. NEED TO SUBMIT</p>
<p>MY NEGATIVE WORKING PERFORMANCE INDICATED I REFUSE UNION DELEGATE</p>	<p>(SEE EXHIBIT A-1)MY NEGATIVE WORKING PERFORMANCE AT NYC HEALTH+HOSPITALS SGT DESANTES ALREADY ASSUMED THAT I REFUSE UNION DELEGATED WHICH RELATED TO MY 2016 SDNY CASE WITH STARWOOD WORLDWIDE WHEN I REFUSED UNION DELEGATE AS WELL</p>

NYC Health+Hospitals study my case SDNY 2016 very well when Sgt Rodriguez asked me to filled out the vacation forms was related to 2016 case because in 2015 SDNY complaint my vacation was denied too in starwood worldwide due to coworkers stated that my vacation is cost the undue hardship to the department. My vacation approved by management but denied due to coworkers complaining my vacation should not be paid which cause adverse when 3 weeks unpaid vacation cause the undue hardship to the housekeeping department and I did not getting paid for 3 weeks vacation because of hostility working environment.

Officer Chapagain at NYC Health+ Hospitals , He came up to me asked me if I will not accused him for knocking on the door while I was sleep over at NYC Health+Hospitals. That is the strange question ever. I believed this question is the respondent precaution of I will filled the sexual harassment as my complaint in Starwood Worldwide.

I received the negative working performance too but in Starwood I don't have the police memo book to proved that I am not bad employee but Judge Furman take the respondent response that the negative working performance is the part of supervisor duty to maintain the working environment.

But I believed the negative working performance in 2008 was created by Mariora Sfera (Yugoslavian)because of Race discrimination in 2008 against me because Dragica Motovic (Yugosalvian) was on call position in 2008 and I have full time position at Starwood worldwide at the time and by terminated me from the job her people(Dragica Motovic), Yugoslavian will get full time job but at the time I cannot express my actual race as Indonesian because Mariora Sfera introduced me as filiphino in my working environment and I believed by express I am Indonesian will made me lose my job. That's why my case was so weak because I cannot express my actual race when I filled for race DHR complaint in 2008 as Indonesian.

RELIGIOUS DISCRIMINATION (SEE EXHIBIT L-3)On 04/09/2022 I was discharged because of my religious belief. I have to walked out the post because nobody relief me to pray. From prior incident on 04/07/2022 when Detective king comeback from my internal religious discrimination allegation, Central Command officer Wood said the department not willing to accommodated early prayer time anymore and he transferred the call to Sgt Rosado and Sgt Rosado stated on the phone that Sgt Rodriguez will set me up to pray late at 0513 am(See Exhibit N-2). I told them I can't be relief at that time because I need to pray on time. I was told by Sgt Rosado that the department not willing to provide early prayer time anymore and if I walked the post I will be write-up for misconduct for leaving the post. I almost walked the post that day and Detective King came to relieved to pray at 0500 am. The department did not say she was coming. I almost walked out the post that day.

See Exhibit F, paragraph 9 On 04/07/2022 I sent email to CEO operation and hospital administration that I need permission to walk out the post if nobody relieve me to pray. I did not receive no reply from the CEO operation and hospital administration. I only received reply from captain Melendez that I was accommodated at 0500 am by Detective King on 04/07/2022.

I was called out on 04/08/2022 because the tension I have in my department and I still waiting the reply from CEO operation and hospital administration how to overcome the situation in my department.

(See Exhibit L-3) On 04/09/2022 I came to work and ready for the worst and nobody relieve me to pray and I walked out the post in order to pray by notified Central Command Officer Jones. While I was praying I was called on the radio by Officer Martinez and I was called and forced to report to the Hospital police headquarters at 8th floor. I went upstairs and I met Sgt Rodriguez at rollcall office. Sgt Rodriguez asked me "why you leave your post" and I told him "I have to pray" and He said "this job not for you, You must choose between God or a job". I told him I choose God first and I give him my ID, Shield, Radio, Keys. He said he didn't fired me he just want to write me up for walking out the post but I have to leave at 5 am that day and he said "go home and think and comeback tomorrow if I will choose job first". I told Sgt Rodriguez that today and tomorrow are the same thing I will choose God first. He asked me if I was resigning and I told him "I don't know" and he said "you must resign". I went downstairs to my locker room to change my clothes and comeback upstairs and I gave my bulletproof vest to Officer Wood. I was discharged that day.

(See Exhibit L-3) On 04/10/2022 I sent email to CEO operation and Hospital administration about my employment discharged.

(See Exhibit L-4) approximately On 4/14/2022 or 04/15/2022 I received the letter in the mail that my employment had been terminated **Dated** ON 04/12/2022

I believed the respondent had discriminated based on my age. I am consider new officer but my age was older than other new officers(Officer Chapagain, Smith, McLaughlin, Gutierrez). New younger officer was treated better in terms and conditions of employment have the opportunity to grow. I did not received the same training as new younger officers. Detective King is senior officers who train new officers at midnight shift. She knew my age prior she was assigned to central command officer in the middle August 2021 during locker room conversation. At the time I didn't see any significant change in my department because she just regular officer

The condition in my department was drastically change when Detective King was assigned to Central Command to replace Officer Philips in October 2021. Since then she told me in order to pray I need permission from Supervisor on duty the night before and I must requested during roll call.

Captain Melendez was asked me to submit the covid card which contain my age and birthday to him (**See Exhibit I**) even though I already told him I already submit the covid card to OHS 6th floor. **I submit the card on September 24, 2021.**

Since then I started receiving verbal harassment from supervisors, unfair working condition(**See Exhibit T**), negative working performance(**See Exhibit Q**), denied shift preference(**Exhibit C-10**), denied bathroom, write up in order to pray and bathroom accommodation.
AGE DISCRIMINATION

The "**But For**" of my age the respondent had giving more favorable working condition to the new younger officer(Officer Smith, Chapagain, McLaughlin, Gutierrez) who were graduated from HP police academy on July 23, 2021(**See Exhibit C-15**) the same date as my graduation. I am assigned to Midnight shift on August 9, 2021 with Officer Smith and CHapagain (**See Exhibit C-14**) and Officer Gutierrez and Officer McLaughlin stay in the morning shift(**See Exhibit C-14**). I encountered with Detective King who I was told by field supervisors that Detective king, senior trainer will train the new officers at midnight shift. On the first day Detective king was very nice towards me until a few days later During Locker room conversation with Detective king I was reveal my age range when she said to me that she was 44 year old and have 4 grandkids and I said "me too" I am on that age range but I don't have kids. The next day she acting different towards me but I did not see any significant change on the HP operation because at the time she just regular officers but she did not trained me well I believed because of my age and many time I did not train properly by Detective king because she diminished the step on the post 8 training (**See Exhibit C-19**) @0315 when she skipped to trained me on the central command officer operation training(Must relief central ops for lunch and break) because when she relief the central command officer Detective King asked me to sit on ER and also I did not finish the training post 10 patrolling post training. The condition in HP department change when Detective King was assigned to replace Officer Philip and Detective King said I need permission from field supervisors and tour commander in order to pray and I must request the night before and must be request during rollcall in order to pray and since then the Department started put me on Post 4 main lobby most of the time and On the same time Captain Melendez asked me to submit the covid card which contain my age and birthday (**See Exhibit I**) since then Department put me on post 4 main lobby with struggle to pray and bathroom accommodation(**See Exhibit D-5**), "post abandonment write- ups by Captain Melendez because the struggling to be accommodated for bathroom and pray. The new younger officer (Smith, Chapagain) already assigned to patrolling post and Officer Smith was assigned to operate Central command officer and Officer Chapagain already granted to choose his preference shift in October 2021(**See Exhibit C-12 and See Exhibit C-13**) I did not assigned to patrolling post and followed-up with the training and assigned to patrolling post the next day to

patrolling post because my patrolling post training was not done. Officer Chapagain and Officer Smith were receiving full training for some reason my training was differ that the other new younger officers.

My adverse "But for" cause by my age the respondent giving me negative poor performance (**See Exhibit Q**)(Discrepancies on the Negative Working Performance(**See Exhibit L, Exhibit M, Exhibit N, Exhibit O, Exhibit P**)

- Captain Melendez request to submit my covid card which contain my age and birthday to to him and as per respondent position statement stated that I do not need to submit my covid card to Captain Melendez but Captain Melendez asked to submit the card to him (**See Exhibit I**)
- Captain Melendez Refuse to give me my desire shift On October 2021(Morning Shift) "**But For**" my age and giving the morning shift to new younger female officer (22yrs old, Officer Sultana)In December 10,2021(**See Exhibit C-10**), when the morning shift on October 2021 have shortage officers(**See Exhibit S-9**), Captain Melendez said to me in October 2021 that he cannot put me in the morning shift because he has enough female officers to work in the morning but the facts the department do have shortage officers in October 2021(**See Exhibit S-9**) when I was mandated it to work in the morning in many occasions in October- November 2021 from 11:30 pm—0400 pm but from the facts my request to work in the morning was denied "but for" my age and the department had mandated me to work overtime in to cover the shortage officers in October 2021(**See Exhibit S-9**), mandate overtime proof the department need officers to work on morning shift but request denied "**But For**" my age and Captain Melendez give my shift preference new younger female officer 22 yrs old, Officer Sultana to work in the morning shift in December 10, 2021(**See Exhibit C-10**), recent graduate officer December 10, 2021.
- Officer Chapagain move to preference shift in October 2021 and assigned to patrolling post and rotating post assignment(**See Exhibit C-12 & See Exhibit C-13**)
- Officer Smith assigned to Central Command officer training in October 2021 and rotating post assignment(**See Exhibit C-13**)
- Officer Gutierrez New younger Officer who graduated with me was promoted to ER FLEX Officer(**Exhibit C-11, Exhibit C-17**)
- I was excluded to be part of Hospital Police Team as per EEOC position statement stated "Her lack assistance during emergency call will result injury to herself or staff members".
- Discrepancies on my negative working performance(**See Exhibit Q, Page 2-4 Or , See Exhibit L**)& RESPONDENT POSITION STATEMENT
 - Discrepancies on my write-ups(**See Exhibit K**) and(**Exhibit C-13**), I was off on **September 12, 2021**
 - False accusation of negative performance when I lost my police jacket during undue hardship but the department stated that I lose my jacket when I was doing my patrol and I was refuse to see the surveillance camera footage but Officer Robinson allowed to see the camera(**See Exhibit A-1**)
 - My negative working performance stated I was fail on some work performance on patrolling post duties but I did not assigned to the patrolling post on these dates but according to my police memo books I did not assigned to patrolling post on these dates(**See Exhibit M, EXHIBIT N, EXHIBIT O, EXHIBIT P**) My police memo books indicated that I work on **Post 4 and post 2B on these dates not assigned to any patrolling post**
 - (**SEE EXHIBIT S-7**)As Per respondent position statement I was assigned to post 4 Main lobby because I am new officer but I am not new officer in the department(**See Exhibit C-15, My graduation Date, July 23,2021**) and **See Exhibit C-10, New Younger who recently Graduated, December 10, 2021 Lower Seniority than me**) was assigned to my desired shift (Morning Shift, should be assigned on midnight shift post 4 main lobby)
- Put me on the Graveyard shifts and give morning to new younger Officer, 22yrs old Officer Sultana to work on my preference shift
- My training was differ with the new younger officers(My training was pause and Sgt Rodriguez and Detective king assigned me to post 4 main lobby which giving me the difficult accommodation for bathroom and to pray and my training in patrolling post was pause (did not finish) and the younger new officers(Chapagain) already given the opportunity to choose their preference shifts In October 2021(**See Exhibit C-12 AND Exhibit C-13**) , Rotating Job assignment in Patrolling post
- I never have rotating job assignment to work at patrolling post(**See Exhibit T**), Indicated never assigned to work on patrolling post
- Put me permanently in restricted post 4 main lobby with struggle accommodation for pray and bathroom accommodation which supposed to assigned to new recent HP police Graduate(**See Exhibit C-10**) "But for""My age" is the adverse in the department
- Accusing poor performance of not checking the Employee ID from Sgt Desantes statement On respondent position statement(**See Exhibit T**), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID on my police memo book(**See Exhibit T, Page 66 @1541 and Page 131-132 @0332 am**).
- Respondent Position statement stated on (**See Exhibit M-65**), page 25 of 26 indicated the "**Section 9**"Captain Melendez log-in &Angela Login were erase and only Sgt Rosado login Compare with (**See Exhibit M-66**) "**Section 9**", Page 23 of 25 which indicated the file was created by Captain Melendez desk in October 2021 after I sent my covid card to Captain

Melendez on September 24 2021(See Exhibit I) the filed was indicated created during day time by captain melendez and Angella Mullett and Sgt Rosado work at midnight

<ul style="list-style-type: none"> • M-65(POSITION STATEMENT • SECTION 9 (PAGE 25 OF 26) CAPTAIN MELENDEZ & ANGELA MULLETT LOGIN ERASE, ONLY SGT ROSADO LOG-IN 	<ul style="list-style-type: none"> • M-66(ORIGINAL STATEMENT) • SECTION 9(PAGE 23 OF 25)INDICATED THE CAPTAIN MELENDEZ LOG-IN &ANGELA MULLETT LOG-IN & Sgt Rosado invalid Log-in because Sgt Rosado work at midnight shift
<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION (PAGE 2-22) ADDED "LAST MODIFIED"by SGT ROSADO LOG-IN & different time 	<ul style="list-style-type: none"> • THE SUPERVISOR EVALUATION LOG-IN WITHOUT SGT ROSADO LOG-IN THE SYSTEM INDICATED "CREATED BY PROFILE"(SEE PAGE 2-22) & FIXED DATED & TIME

My rights as woman violated when I was told Dr. Wilby that I have to hold pregnancy within 3 months in order to be hired at NYC Health+Hospitals because I must take 2 MMR vaccine in order to be hired. I was told to sign the letter of consent of the vaccine will harm the baby. I told Dr. Wilby that I had intention to be pregnant. Also I told Dr. Wilby that I already took MMR vaccine during admission to college. Dr. Wilby said I must take 2 MMR vaccine in order to be hired and she said take the MMR vaccine now and comeback with another paperwork from the college. Dr. Wilby did not accommodate my intention in order to be pregnant under my free will. Dr. Wilby said if I did not to take the MMR vaccine I will not get the job. In this case I believed my intention to be pregnant is the contingency of the employment in order to be hired. Dr. Wilby still insisted to take the MMR vaccine or I will not getting the job. I was force to take the MMR vaccine in order to get the job and On June 19th 2021 I was pregnant with no heartbeat(See Exhibit N-3). But I found out See **Exhibit A-3** indicated that the MMR vaccine can be hold until March 2022 why Dr. Wilby did not let me to waive the MMR vaccine in order to accommodate my intention to be pregnant in the first place in March 22, 2021 because I told Wilby that I already have one MMR vaccine from Baruch college(See **Exhibit C-6**). **Exhibit B-1, Exhibit C-1, C-2, C-3, C-4, C-5** indicated of the MMR vaccine did not mandated for every new hired (Mahmuda Hospital Care Investigator List :586, said she was not required to take the MMR vaccine in order to pass the terms and conditions of employment in order to be hired for Hospital Care Investigator List #586. My rights as woman violated when I was told to tightened my belt during Hospital Police Academy after I was submitted the doctor note for June 25, 2021 of my gyn visit which had picture of the pregnant woman holding the belly on the heading note and The clinics name: Health Care For Woman OB Gyn. On June 30, 2021(See **Exhibit N-5**) Captain Padilla told me "IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS" meaning I will dismiss from the Police Academy. Going upstairs meaning doing paperwork of my dismissal from employment. Captain Padilla instructed Detective Santa Lay to tightened my belt against my will. She took me to the bathroom and she tightened my belt against my will. Definitely I would never put my belt like that because of the baby. I was feeling congested on my belly and squeeze on my baby. When I went back to the classroom I can't breath especially when I was sitting it was squeeze my fetus more. The respondent stated on position statement that Tighten the belt is the part Dress Code Policy after I submitted the doctors note which contain the picture of the pregnant lady holding belly on the heading note on the left heading and Have the letter heading stated "Health Care for Women OB GYN". I believed tightened the belt for woman is illegal because woman might be pregnant or bearing a child. But I was the only one was subjected to tightened my belt alone. Captain Padilla instructed all the Hospital Police candidate in my squad "every one go back to classroom except Recruit Febrianti" and I was told by Captain Padilla "IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS". Also, the other ladies were having big belly such as Officer Minor, and Officer Roberson but I am the only one who subjected to tightened my belt against my will by myself. I strongly believed Captain Padilla knew I was pregnant because of the doctors note I was given to them and have a picture of pregnant woman touching belly and the name of Clinics "Health Care for Women OB GYN". On the same day at 5 pm I started having vaginal bleeding and I was stay in ER for 14 hours and I was diagnose in my discharge paper as miscarriage.